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Letter dated 18 January 2013 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith a letter dated 17 January 2013 from the President of the Commission of the Economic Community of West African States, Kadré Désiré Ouedraogo (see annex). The letter asks the Secretary-General to provide "any urgent and concrete measures" to support the deployment of an African-led International Support Mission in Mali in accordance with Security Council resolution 2085 (2012).

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

The Economic Community of West African States (ECOWAS) is seriously concerned by the situation in Mali, with the recent deterioration in the security situation due to the attacks perpetrated by extremist groups, despite efforts made to find political solutions to the crises in Mali.

In these grave circumstances, and further to the welcome response of the French Government to the request of the Malian Government, the ECOWAS Commission has taken a number of measures in order to accelerate its support to the Government and people of Mali to preserve Mali's territorial integrity and to combat terrorism.

In this context and in conformity with previous decisions of the Peace and Security Council of the African Union and the ECOWAS Authority of Heads of State and Government on Mali, further to the request of the Malian authorities, and in accordance with Security Council resolution 2085 (2012) of 20 December 2012, authorizing the deployment of an African-led International Support Mission in Mali (AFISMA), I am pleased to inform you that the deployment of AFISMA is under way, with the mandate as provided in resolution 2085 (2012), taking into account the changed context on the ground. I would recall the recent press statement of the Peace and Security Council of the African Union of 14 January 2013, commending ECOWAS member States that have swiftly deployed troops to Mali as part of AFISMA.

AFISMA is led by General Shehu Abdelkadir as Force Commander, who deployed to Mali on 12 January, along with the Deputy Force Commander, the Police Commissioner and his Deputy. They are initiating the establishment of the force headquarters, and preparing the ground for the arrival of AFISMA troops and personnel, amounting to 3,300 elements. Troops will begin to arrive this week from four troop-contributing countries, namely, Burkina Faso, the Niger, Nigeria and Togo.

Other African countries have also indicated their intention to contribute troops, and ECOWAS continues to work with the African Union in generating additional contributions.

These troops will need urgent and significant logistical support and I would recall our previous request for logistical support for AFISMA. We understand that you will shortly be submitting a letter to the Council further developing and refining options for a voluntary and United Nations-funded logistics support package. We would be happy to provide any information that you would require in this regard.

However, in the spirit of Security Council resolution 2085 (2012) and in the light of the drastic situation necessitating to urgently respond effectively, we would be grateful if you could consider providing any urgent and concrete measures to the initial deployment of AFISMA pending a Security Council decision on a United Nations logistical support package.

We welcome the continued support the United Nations has been providing for the planning and preparations for the deployment of AFISMA, further to Security Council resolutions 2071 (2012) and 2085 (2012), and look forward to our continued and close cooperation, including in the establishment of a force headquarters in Mali, as the deployment proceeds.

(*Signed*) Kadré Désiré **Ouedraogo**
President of the Commission

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Report of the Secretary-General on the United Nations Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2027 (2011), in which the Council extended the mandate of the United Nations Office in Burundi (BNUB) and requested me to inform it of progress in implementing its mandate and resolution. Specifically, pursuant to Security Council resolutions 1959 (2010) and 2027 (2011), on 10 May 2012, I submitted a set of benchmarks and related indicators, jointly agreed with the Government of Burundi, to assess progress on the situation in Burundi and thereby to inform the future evolution from BNUB to a regular United Nations country team presence.

2. In a letter dated 26 July 2012, the Security Council supported the benchmarks and asked for additional information concerning baseline data and assessments for each issue, including observations on timing, trends and the role of BNUB in the implementation efforts. The present report provides an update since my previous report, of 30 November 2011 (S/2011/751), and is structured around the eight benchmarks. In the annex to the present report, baselines and indicators of progress are reviewed in additional detail.

II. Progress in peace consolidation

A. Democratic process

3. While the country's institutions continued to improve and discharge their responsibilities with increased assertiveness, the negative impact of the 2010 electoral boycott by major opposition parties and ensuing political tensions between the Government and extra-parliamentary opposition parties continued to be felt. There is growing distrust and confrontation between the Government and the opposition. This is apparent across a range of issues, and particularly felt where broader consensus would be required to further advance peace consolidation and development efforts, especially given the early preparations for the 2015 elections.

4. On 1 and 2 July 2012, Burundi celebrated its fiftieth independence anniversary in a colourful and high-level ceremony in Bujumbura, which saw the return of an opposition figure from exile. On 26 August 2012, on the second anniversary of his re-election, President Nkurunziza reiterated his call for politicians in exile to return

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to the country and prepare for the 2015 elections, stating that the government and the population were ready to welcome them. He urged those who had security concerns to address them to the relevant national institutions. He also noted that there was an opportunity to reflect on the experience of the 2010 elections and to seek ways of reinforcing the democratic culture before 2015.

5. In a positive development, several formal meetings took place during 2012 between the Government and the extra-parliamentary opposition. At the request of the President of the National Assembly, on 28 March the local non-governmental organization (NGO) Centre for Alert and Conflict Prevention and the Association of European Parliamentarians for Africa co-facilitated a workshop on the draft Law concerning Opposition Parties. This was the first formal meeting of all political parties since the 2010 elections. From 28 May to 2 June 2012, the international NGO Initiatives et Changement organized a workshop in Caux, Switzerland, bringing together representatives of the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) and the main parties within the Alliance démocratique pour le changement-Ikibiri (ADC-Ikibiri), with the exception of the Forces Nationales de Liberation (FNL)-Rwasa. The meeting included former Presidents of Burundi Sylvestre Ntibantunganya and Domitien Ndayizeye and representatives of the Catholic and Anglican Churches. Discussions focused on political space, dialogue, the release of political prisoners, the return of leaders of political parties in exile and preparations for the 2015 elections. Two follow-up workshops took place in Bujumbura and Nyanza-Lac on 8 August, and from 17 to 19 October, respectively, in which political actors jointly identified challenges for the upcoming electoral process and made recommendations on improving the political environment. On 26 November and on 24 December 2012, the Minister of the Interior met with political parties to discuss the overall situation.

6. As a result of the persistent mistrust between the Government and the extra-parliamentary opposition, the Permanent Forum of Political Parties remained non-functional during 2012. On 26 April, 13 political parties issued a declaration asking for the replacement of the President of the Forum. On 22 June, the Minister of the Interior appointed a replacement, describing the change as an opportunity to reinforce democracy in the Forum. However, the ADC-Ikibiri reiterated that it would not participate, considering the Forum a tool of the ruling CNDD-FDD as long as it remained under the patronage of the Minister of the Interior. Meanwhile, on 10 September the FNL-Miburo announced that it was also boycotting the Forum because it had been sidelined in consultations concerning the membership of the National Independent Electoral Commission. It further threatened a boycott of the 2015 elections should it not be represented in the new Commission.

7. The CNDD-FDD and the Union pour le progrès national (UPRONA) held ordinary congresses on 31 March and 16 September 2012, respectively, to elect new leadership. Pascal Nyabenda, President of the CNDD-FDD parliamentary group at the National Assembly was elected CNDD-FDD President, while Charles Nditije, outgoing UPRONA Spokesperson and parliamentary group leader, was elected President of UPRONA. Both men are of Hutu ethnicity — marking the first time a Hutu has assumed the presidency of UPRONA. Members of the "rehabilitation" wing of UPRONA, however, challenged the legality of Mr. Nditije's election, dismissing the congress as a "non-event".

8. On 2 December 2011, a report of the Group of Experts on the Democratic Republic of the Congo (see S/2011/738) accused Burundian political leaders in exile, including Agathon Rwasa, Alexis Sinduhije, and Léonard Nyangoma of involvement in subversive activities, notably supporting and funding a nascent rebellion from a base in eastern Democratic Republic of the Congo. Agathon Rwasa and Alexis Sinduhije denied the accusations in letters addressed to my Special Representative in Burundi and myself, on 25 and 27 January, respectively. The 12 November 2012 report by the Group of Experts (see S/2012/843) reiterated the accusations against Alexis Sinduhije and presented allegations that the Front national pour la révolution au Burundi (FRONABU), linked to him, had transformed into the Front du peuple murundi (FPM) and allied itself with Mouvement du 23 mars (M23) in South Kivu. The report also stated that Agathon Rwasa had largely withdrawn from direct involvement in the activities of the Forces nationales de liberation (FNL).

9. On 11 January, the President of the Mouvement pour la solidarité et paix (MSD) Alexis Sinduhije, in exile since 2010, was arrested upon arrival in Dar es Salaam, reportedly following a request for extradition by the Burundi Government. On 24 January, he was released after no charges were filed, and returned to France.

10. On 2 September, a former senior combatant of the Parti pour la liberation du peuple Hutu-FNL issued a declaration, allegedly on behalf of the Etat-Major Général of the FNL, announcing that the FNL had decided to resume armed struggle, citing poor governance and the continued persecution of FNL members as reasons. However, the Europe-based Spokesperson of the Rwasa wing of the FNL and other leaders of opposition political parties immediately denounced the declaration. On 24 October, the spokesperson for a previously unknown armed movement known as Front du Peuple Murundi-Abatabazi (FPM-Abatabazi, or "the liberators") claimed responsibility for attacks carried out in Murwi commune, Cibitoke Province, during the night of 21-22 October.

11. On 10 and 23 October, the National Assembly and Senate, respectively, adopted a draft law on the status of opposition political parties. The law is unusual in that it recognizes opposition parties whether represented in Parliament or not. The law was, however, strongly criticized by some opposition parties and civil society for creating the position of "leader of the opposition". Given the law's provisions and the political landscape, it seems likely that this role would fall to Emanuel Miburo, who heads the FNL wing that is not recognized by supporters of Agathon Rwasa. Meanwhile, a separate law regulating the status of all political parties was promulgated in November 2012, but its implementation has been repeatedly deferred owing to the inability of many parties concerned to meet its strict requirements.

12. Under existing legislation, political parties are forbidden to come together in coalitions except during periods of electoral campaigning. Consequently, the main platform of extra-parliamentary opposition parties, the ADC-Ikibiri, is considered by the authorities to be illegal, and members of the various parties constituting this grouping continue to complain of difficulties in conducting day-to-day activities. On 4 November 2012, members of these parties were prevented from travelling to Rumonge to celebrate the eighteenth anniversary of the creation of the CNDD party, reportedly on the order of the Minister of the Interior. On 18 November in Gatumba (province of Bujumbura-Rural), members of Sahwanya-FRODEBU and of other political parties belonging to ADC-Ikibiri were prevented by police from attending a

meeting with tear gas and shots in the air. Two women, including a former Vice-President of Burundi, Marina Barampama, were reportedly hurt. On 2 December 2012, MSD members from Bujumbura were prevented from travelling to Bubanza to meet with other party members.

13. The activities of hardliners among the members of the CNDD-FDD youth league, the Imbonerakure, also raised concerns. BNUB continued to document acts of repression and intimidation, as well as violence and even killings, committed by members of this group, with a surge in such acts between April and July across the country, in particular in Bubanza, Cibitoke and Ngozi provinces. Under the pretext of ensuring security in their neighbourhoods, these members reportedly assaulted and sometimes extorted money from their victims, some of whom allegedly died from the violence.

14. Following the end of the current mandate of the CENI, President Nkurunziza issued two decrees on 12 March. The first prolonged the mandates of existing commissioners by six months, while the second revised the tenure of commissioners from three years renewable to five years non-renewable. In September, President Nkurunziza convened an extraordinary session of Parliament to consider new CENI nominations, but this ended without agreement; UPRONA members of Parliament walked out over the intention to maintain the outgoing CENI President and the Head of Civic Education and Communication. President Nkurunziza subsequently extended the commissioners' mandates by three months. On 4 December, the National Assembly and Senate approved the candidates proposed by President Nkurunziza as members of the new CENI, with the outgoing President and the Head of Civic Education and Communication reappointed. The other three commissioners are new. Large majorities of parliamentarians approved the appointments, reflecting a consensus between the two main parties in government, the CNDD-FDD and UPRONA. The ADC-Ikibiri and Sahwanya-FRODEBU President complained that his platform had not been consulted and warned that his party would not participate in the 2015 elections. However, the ADC-Ikibiri Spokesperson while denouncing the new National Independent Electoral Commission, announced that the platform would contest the elections. BNUB issued a communiqué on 7 December taking note of the nomination of the new Commissioners and urging the National Independent Electoral Commission to work closely with all political actors for the preparation of the 2015 elections, in a spirit of continuous dialogue and the search for consensus.

15. More generally, BNUB continues to provide good offices to bring together key players, support the normalization of political relations and assist stakeholders to reach agreement on the way forward towards the 2015 elections. Building on positive developments in 2012, BNUB and the United Nations Development Programme (UNDP) began organizing a workshop early in 2013 to draw lessons learned from the 2010 elections and prepare the ground for 2015, in collaboration with partners.

B. Security and stability

16. Overall, the security situation remained stable during 2012. However, criminality remained prevalent and could generally be attributed to the long-standing and widespread circulation of small arms and light weapons, land disputes

and continued poor socioeconomic conditions. Cross-border incursions by armed groups increased somewhat, especially in the north-west, notably Cibitoke and Bubanza, and armed clashes were reported with Burundian security forces Forces de défense nationale/Police nationale du Burundi (FDN/PNB). Incursions were also reported in the south, close to Nyanza-Lac. The United Nations documented about 40 clashes between armed groups and government forces in 2012. While of low intensity, these clashes showed that some actors continue to resort to armed violence to achieve political or other objectives.

17. The rightsizing of the FDN and the PNB continued throughout 2012, informed by World Bank and International Monetary Fund targets. Progress has been at a diminished rate owing to the Government's reliance on natural attrition, but targets are now close to being met.

18. BNUB continued to support professionalizing the security and defence forces, in collaboration with and support of the programmes implemented by bilateral partners with the Government. In partnership with national counterparts, 74 officers were trained as trainers on human rights and international humanitarian law, while an additional 100 officers were trained during a follow-up evaluation exercise, conducted in the five military regions. Three specialized training sessions on military policing, police judiciary and armoury management were organized for 33 military police officers, 44 police judicial officers and 19 armoury managers in the police force, respectively, and advocacy is ongoing for the training of military magistrates. BNUB has also continued advocating for the introduction of an appropriate basic training programme for all levels of the police. Alongside other partners, BNUB continued supporting the development of the Strategic Plan for the Ministry of Public Security and the Defence Review for the Ministry of Defence through technical advice, financing of a workshop on exchange of information, and sensitization of the Parliament.

19. BNUB also supported further efforts to enhance security sector governance through advocacy, capacity-building and information-sharing activities for members of the two defence and security committees in Parliament. Technical support was provided to the permanent secretariat of the National Security Council and the elaboration of Burundi's first National Security Strategy document. BNUB also continued advocating for the adoption of an organic law with a constitutionally appropriate legal framework for the police. Networks of civil society organizations were established to enhance their participation in security and justice sector reform-related activities.

20. A second national voluntary disarmament campaign is currently being planned by BNUB and UNDP. Meanwhile, the collection and destruction of small arms handed in voluntarily or seized by the police continues. In June and July 2012 for example, the Permanent National Commission for the fight against the proliferation of small arms and light weapons destroyed 938 hand grenades, 23 shells, 64 rockets and 85,840 cartridges in operations financed by BNUB, which also continued to monitor and finance the marking and registration of the weapons of the security and defence forces. By December, more than 60 per cent of police weapons had been marked and registered while all military weapons had been registered.

C. Transitional justice

21. Throughout 2012, BNUB and the Office of the United Nations High Commissioner for Human Rights continued to engage national and international stakeholders on the need to bring the draft law on the Truth and Reconciliation Commission into line with relevant international standards and best practice, and with national expectations. An amended draft law on the Truth and Reconciliation Commission was developed, adopted by the Council of Ministers on 14 November, and passed to Parliament for revision and adoption on 12 December. The United Nations submitted comments on the draft law through a letter to the President of the National Assembly on 27 December including on, inter alia, the question of inclusiveness and representativeness of Commissioners, the relationship between the proposed Truth and Reconciliation Commission and an eventual Special Tribunal, the question of victim and witness protection and the inclusion of a provision explicitly stating that no amnesties will be granted for certain categories of grave crimes.

22. In March, the Government launched a nationwide "sensitization campaign" during which ministers and permanent secretaries met with local officials and people drawn from different socio-professional sectors to explain the content of the 2011 draft law. No official report was published documenting the findings of this campaign, which ended in April, but reportedly it arrived at recommendations different from those the National Consultations had conducted in collaboration with the United Nations in 2009 and 2010, especially concerning the composition of the Truth and Reconciliation Commission and a judicial component of the transitional justice process.

23. In preparation for the establishment of the Truth and Reconciliation Commission, BNUB undertook a nationwide awareness-raising campaign and assisted the establishment of a network of local-level experts on transitional justice, working in close collaboration with a local partner: the Forum national des relais communautaires en justice de transition. From 22 to 23 August, BNUB, in collaboration with the Ministries of Justice and Public Security, and with the support of international partners, also organized the first in a series of expert workshops on witness and victim protection. The final recommendations adopted will serve as a road map for the broader process, with the next steps being a study on the necessary legal framework, followed by the elaboration of a draft law on witness and victim protection. Throughout 2012, no progress was made with regard to the establishment of the Special Tribunal.

D. Governance and institution building

24. The Government adopted the National Programme for the Reform of the Administration in April 2012, and initiated discussion towards the adoption of the National Strategy for the Strengthening of the Management of Public Finances. The National Strategy on Good Governance and the Fight against Corruption also began to show first concrete results. Within that framework, the special Anti-corruption Brigade received 156 complaints in 2012, which were transmitted to the Parquet Général près de la Cour anticorruption for appropriate action. The Anti-corruption Court similarly received 285 complaints in 2012, and rendered its judgement on 218 cases from January to the end of November 2012. Reports from the special

Anti-corruption Brigade suggest that more people are now routinely denouncing acts of corruption and a number of government officials, including policemen and businessmen, are being charged by the Anti-corruption Court. The year 2012 was also the second year in succession of strong improvement in the World Bank's "Ease of Doing Business" ranking, with Burundi moving from 169th to 159th, and again considered one of the globally "most improved". However, Transparency International's 2012 report ranked Burundi ninth from last in a global comparison of perceptions of corruption. On 13 December, the Government expressed disappointment with the ranking, highlighting the various initiatives taken in the fight against corruption. The Government emphasized its continued strong commitment to the fight against corruption.

25. On 24 and 25 October, the Council of Ministers postponed by six months a decision on privatizing Bujumbura Port, in order to give an independent audit company time to assess the true value of the asset. On 14 November, however, the Council reversed this and instead made a decision to grant the concession, a move that has attracted criticism from anti-corruption watchdogs.

26. The Burundi Revenue Authority remained a positive example of how political determination coupled with technical expertise can augment the efficiency and accountability of government institutions. As of November 2012, the Burundi Revenue Authority had collected FBu 486.47 billion (approximately $3.21 million) in revenues during the year, compared to FBu 433.89 billion (approximately $2.86 million) collected during the first 11 months of 2011, an increase of 12.12 per cent.

27. The Office of the Ombudsman has also continued to play an increasingly important role, by, inter alia, receiving 147 complaints, related to land disputes, abuse of power by the Administration, implementation of judgements and economic embezzlement, and processing 81 of them. The Office also presented its first strategic plan in November and began opening a number of envisaged regional offices on 18 June 2012.

28. Efforts continued also to increase efficiency and accountability, including by ensuring that nominations for positions are based on merit and not on political affiliation only. The implementation of the newly approved National Programme for the Reform of the Administration may help to reinforce efforts to apply the relevant law (No. 1/09 of 17 March 2005) on the distinction between political and technical appointees.

29. In line with its mandate, BNUB continued to support the strengthening of oversight institutions, notably the Parliament, the Cour des comptes, the Office of the Ombudsman and the Anti-corruption Brigade. BNUB thus supported a workshop and related activities organized by the Anti-corruption Brigade in Makamba from 12 to 13 November for 60 representatives of civil society organizations, civil servants from Makamba and Bururi provinces, as well as police and military officers, to raise awareness on the April 2006 Anti-corruption Law. In December, BNUB organized a capacity-building workshop on "Mediation, Negotiation and Conflict Resolution" for 30 staff members of the Office of the Ombudsman. BNUB and UNDP also supported the launching of the National Strategy on Good Governance and the Fight against Corruption, and organized a workshop under the aegis of the Ministry of Good Governance on the revision of the legal framework

for the fight against corruption, attended by 90 participants, including civil society organizations.

30. In collaboration with UNDP, BNUB contributed to the elaboration of the Parliament Strategic Plan (2012-2015) and of the Parliament Priority Action Plan for 2012-2013, which was approved in October 2012.

E. Rule of law

31. In the course of 2012, some progress was registered in improving prison conditions through a reduction of prisoners. The number of pretrial detainees decreased steadily owing to directives from the State Attorney and the President of the Supreme Court. Following the implementation of a presidential pardon and release on parole, the total prison population decreased by 29.7 per cent in 2012. However, this ad hoc measure failed to address the underlying causes of overcrowding, such as over-recourse to detention, as well as the low quality of court performance. To address these issues, a National Criminal Policy, including guidelines for prosecutors, is currently being finalized, with assistance from BNUB/OHCHR and bilateral partners.

32. The judicial system still faces considerable challenges, as evidenced by the lack of judicial follow-up in the majority of recent cases of alleged serious human rights violations. Some proceedings in politically sensitive cases also raised questions about the independence of the justice system. In such cases, as the September 2011 Gatumba massacre or the murder of Ernest Manirumva (the vice-president of the anti-corruption NGO Observatory for the Fight against Corruption and Economic Embezzlement), for example, the courts condemned those accused without calling as witnesses high-ranking police officers implicated by the accused or by investigative commissions. Moreover, the process of recruitment of magistrates did not fully comply with the law, which requires the organization of a competitive entry examination in collaboration with the Supreme Council of Magistrates. The appointment and promotion of magistrates remained under the control of the executive. The Government cited budgetary constraints as impeding the establishment of a fully transparent system of judicial recruitment, insisting that recent judicial appointees nonetheless met the necessary technical criteria. BNUB/OHCHR and other partners are ready to support the Ministry of Justice, as necessary, in organizing the recruitment process in conformity with the law.

33. The comprehensive support provided by BNUB/OHCHR to the justice sector prioritized enhancing the independence of the judiciary and accountability of magistrates. BNUB supported the development of a Strategic Plan for the provision of initial training to magistrates, in collaboration with the Judicial Training Centre and bilateral partners, and initiated the development of a continuous learning programme. BNUB also supported judicial oversight bodies to help rationalize and enhance the impact of judicial inspections. Together with UNDP, BNUB/OHCHR conducted a study on developing a strategic plan for the Superior Council of Magistrates, aimed at strengthening its capacity to act as guarantor of judicial independence and discipline of magistrates. Throughout the year, the Centre de Formation Professionnelle de la Justice, with BNUB support, continued to provide on-the-job training on judicial ethics and court management, respectively, for 52 and 76 newly recruited magistrates. In order to facilitate a comprehensive, open and

transparent discussion on additional reforms in the justice sector, BNUB, UNDP and other partners worked with the Ministry of Justice on preparations for a National Stakeholders Conference on Justice throughout 2012.

F. Human rights

34. In 2012, the number of extrajudicial, arbitrary or summary executions and/or politically motivated killings documented by BNUB/OHCHR, decreased significantly, although remaining unacceptably high. In 2012, 30 cases had been reported, compared with 61 in 2011. Of these, four involved victims with a known political association, again a significant reduction from the previous year. In 2012, 16 cases of torture were documented by BNUB, an improvement compared to the 36 cases documented in 2011. In a continuation of last year's trend, most of the cases of extrajudicial killings and torture were committed by members of the PNB. On 25 October, the Government shared confidential details related to its attempts to bring alleged perpetrators to justice with BNUB/OHCHR, and selected international partners. However, of the perpetrators of the 61 cases of extrajudicial killings committed in 2011, only 10 have been brought to justice.

35. In June 2012, the Attorney General of the Republic set up a six-member Commission of Inquiry to investigate cases of extrajudicial killings and torture alleged in reports of non-governmental organizations (NGOs), stressing that there would be judicial consequences for those NGOs if their allegations were not confirmed by judicial investigations. The report of the Commission, made public on 23 August, found that based on the definition of "targeted killings" it used, no cases of extrajudicial execution had taken place in Burundi. Nonetheless, five police officers and a local administrator were arrested following the publication of the report concerning allegations of torture and assassination. In a press conference, the Attorney General criticized the United Nations and NGOs for falsely accusing the Government of orchestrating political killings. BNUB/OHCHR responded, through a letter on 11 September to the Attorney General and the Minister of Justice and in a parallel communiqué, clarifying the definition of extrajudicial, arbitrary or summary executions utilized by the United Nations, based on the mandates of the relevant United Nations Special Rapporteur. The letter clarified that the State remains accountable for its agents' actions during official duties, even if no specific order is given for the actions in question. This has remained an object of continued advocacy with officials throughout the year, including with regard to the issuance of regular public reports on human rights in Burundi, and during the bi-monthly meetings BNUB/OHCHR holds with representatives of the security and intelligence services, the Ministries in charge of Human Rights and Foreign Affairs, judicial authorities and civil society organizations.

36. Since its establishment in June 2011, the Independent National Human Rights Commission has contributed to strengthening the culture of human rights in Burundi, and BNUB/OHCHR and UNDP have provided concerted support for its three-year strategic plan. In March 2012, the Commission submitted its first report on its activities to the National Assembly. With regard to Burundi's international human rights obligations, the Commission conducted a study on the implementation of the recommendations of the 2008 session of the Universal Periodic Review and sent its own contribution to the Human Rights Council in July 2012. The Commission held nine human rights awareness-raising events in 2012, with

934 persons participating. It also continued monitoring alleged human rights violations and carried out investigations pursuant to its mandate. In 2012 there was a significant increase in the number of cases registered by the Commission (480 from January to November 2012 compared to 107 from June to December 2011), the cases investigated (450 compared to 50) and the cases that were closed (117 compared to 20).

37. Civil society organizations raised awareness on issues from human rights to corruption to rising food prices, but continued to come under pressure and, occasionally, under threat for doing so. Leading activists, including Gabriel Rufyiri, President of the Observatory for the Fight against Corruption and Economic Embezzlement, and Pierre-Claver Mbonimpa, President of the human rights organization Association pour la protection des droits humains et des personnes détenues, were summoned on numerous occasions by the judiciary in 2012. Two letters sent by the Minister of the Interior on 4 and 9 April to key civil society organizations threatened to remove their authorizations if they continued to engage in activities that were perceived as being "incompatible with their status as civil society organizations". Thereafter, however, discussions were held between the authorities, civil society and trade unions to discuss the high cost of living in Burundi and the Government subsequently adopted some remedial measures, a positive trend of government and civil society organizations cooperating to defuse potentially volatile situations. With assistance from the United Nations, a technical committee was set up by the Ministry of the Interior to create a more permanent framework for dialogue on issues of common concern.

38. On 7 June, the Council of Ministers adopted a new draft Law on the Media. The Law contains some welcome advances, including the abolition of prison terms for certain press offences, and of a previous provision limiting directorship of media outlets to those of Burundi nationality. It has also, however, been criticized in some quarters for establishing regulations under which journalists can be compelled to reveal their sources, overly broad restrictions on freedom of expression and heavy penalties for a wide array of other press offences. The draft is currently being considered by the National Assembly, which is consulting journalists, civil society and opposition political parties. In comments provided to the Government, National Assembly and Senate on 19 November, BNUB indicated that the draft law, if adopted in its present state, would be contrary to Burundi's human rights obligations.

Regional integration

39. Overall, 2012 saw Burundi continue its efforts to deepen its regional integration. For this to succeed, it will be imperative to establish a clear vision of the role the country can and should play within the region, and set priorities in terms of structures and areas chosen for integration. A study on how Burundi had best participated in different regional integration frameworks was completed in March with support from UNDP, and in July 2012, the Ministry of Regional Integration began elaborating a national strategy with BNUB support. The active involvement of Burundi in these initiatives and regional configurations reflects the country's commitment to regionalization, underpinned by support from the United Nations and other partners.

40. From 14 to 18 May, Burundi hosted a high-level meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa (UNSAC), which brought together the 11 Member States to discuss the security situation and challenges to peace in the subregion. Among other things, Member States committed to collaborate in further efforts to eliminate negative forces from the region.

41. On 30 June, the Centre de Fusion des Renseignements of States members of the International Conference on the Great Lakes Region (ICGLR), designed to gather and analyse information to further efforts to eradicate local and foreign armed groups, was inaugurated in Goma, Democratic Republic of the Congo, in the presence of the heads of security services of all 11 member States.

42. From 27 August to 1 September, the 25th Meeting of the East African Community (EAC) Council of Ministers was held in Bujumbura to deliberate on a range of issues pertaining to the EAC regional integration and development process. The meeting focused mainly on progress made in the implementation of the common market protocol and negotiations on the monetary union, as well as the applications by South Sudan and Somalia to join EAC. Burundi also actively participated in several summits of Heads of State of the States members of ICGLR devoted to the situation in eastern Democratic Republic of the Congo and, on several occasions, reaffirmed its commitment to the restoration of peace in the Democratic Republic of the Congo.

G. Social and economic development

43. In a welcome development, Burundi's new Poverty Reduction Strategy Paper (PRSP-II) was finalized and adopted in January 2012 at a meeting of the Forum Politique chaired by the Second Vice President. On 29 and 30 October, the Government of Burundi organized a Conference of Development Partners in Geneva to mobilize support for the PRSP-II. Over 120 delegations participated representing bilateral and multilateral partners, civil society, and the private sector. Speakers commended Burundi for reforms undertaken, and encouraged the Government to continue its efforts, including in the area of governance to strengthen political dialogue, improve human rights, and fight corruption. Overall, discussions were constructive, and civil society, which was well represented, expressly supported the Government in its fundraising efforts. According to the Government of Burundi figures, more than $2.6 billion were pledged by partners at the conference. BNUB continues to support the Government in aid coordination, and also liaises closely with Burundi's international partners, as represented in Bujumbura, in order to ensure a coordinated follow-up to the commitments made at the Geneva conference.

44. On 10 December, national and international stakeholders adopted the new United Nations Development Assistance Framework (UNDAF), through which the United Nations system will support Burundi's development efforts with a specific emphasis on the implementation of the PRSP-II.

45. The closing of the Mtabila camp in the United Republic of Tanzania led to the repatriation of 35,000 former Burundian refugees from October to December 2012 in accordance with the tripartite agreement signed on 8 October 2012 between the Governments of Burundi, the United Republic of Tanzania and UNHCR. Throughout the process of return, collaboration between the Government of Burundi, United Nations agencies and their partners has been exemplary, and the

return has proceeded in an orderly fashion. The full reintegration of the returnees into their communities of origin, however, will be a more long-term process, and will need to be closely monitored. Land disputes, political affiliation, bleak prospects for income generation, and the fact that the majority of the returnees were born in the United Republic of Tanzania and have never lived in Burundi, may create challenges. The number of internally displaced persons has remained stable in 2012 at close to 80,000 persons. The Government has begun preparations for an action plan for internally displaced persons with the United Nations country team, seeking to strengthen government capacity to improve their situation, and accelerating the search for durable solutions.

46. The Commission des terres et autres biens, the body charged with handling restitution cases concerning land conflicts, continued its work throughout 2012. Up to June 2012, the Commission had registered 1,864 conflicts and handled 927. The Commission focuses on the difficult task of mediating and reaching non-binding settlements between residents and returnees seeking to reclaim their land. Given the sensitivity of the issue, the work of the Commission was discussed controversially in 2012, with the various constituencies taking diverging views on the approaches that would be required to achieve lasting settlements without fuelling tensions.

47. Food insecurity remains grave in Burundi, with as many as 58 per cent of children under five chronically malnourished, according to the 2010 Demographic Health Survey. The price of essential products and some foodstuffs increased by an estimated 20-25 per cent over the first six months of 2012, leading to popular discontent and a day of demonstrations on 27 March. Increasing land scarcity triggered by a high birth rate and returning refugees, together with land degradation, is further aggravating food insecurity in the country.

48. In a continuation of the past trend, youth unemployment remained at a high level throughout 2012. Programmes on job creation for youth, a central part of the Government's Vision 2025, are intended to start early in 2013. Without access to jobs and incomes, youth in Burundi remain susceptible to remobilization in youth militias, with obvious risks for peace and stability.

III. Cross-cutting issues

A. Gender

49. To implement Security Council resolution 1325 (2000), a five-year National Action Plan (2012-2016) was adopted in December 2011. The national Open Day on Security Council resolution 1325 (2000), held on 27 September, identified women's participation in the prevention and protection against sexual and gender-based violence in governance and economic recovery as priorities. Challenges to achieving this were identified as: (a) lack of access to land owing to the national inheritance law, which prevents inheritance by women; (b) violence against women and impunity for perpetrators; and (c) low female representation within the security forces and local government. Burundi continues, however, to boast a high level of female representation in the executive, legislature and administration at the national level (see annex).

50. Psychological, medical, judicial and social assistance was provided to 450 victims of sexual and gender-based violence through the United Nations-supported Humura Centre in Gitega for the holistic care of survivors of gender-based violence. Ministries of Justice and Gender from 11 States members of ICGLR met from 25 to 28 July in Kinshasa to agree on joint mechanisms to implement the 2011 Kampala Declaration to fight impunity against sexual and gender-based violence. Supporting the Secretary-General's campaign to raise awareness and Unite to End Sexual Violence, more than 3,000 Burundians joined the African initiative "Climb Kilimanjaro" by climbing the highest mountain in Burundi.

B. Child protection

51. Following the mapping of Burundi's child protection system conducted in 2011, the United Nations Children's Fund (UNICEF) supported the Government to strengthen the legal and policy child protection framework through the elaboration of the Child Protection Code and the development of the National Child Protection Policy with its Action Plan covering the period 2012-2016. These two key documents, together with the National Strategy against the phenomenon of street children and the Minimum Standards on children living in institutions or deprived of family care, validated in 2011, will contribute to the implementation of children's rights in priority areas. The United Nations is working to encourage their adoption as a matter of priority.

52. The Government of Burundi took the decision to establish a Children's Forum through Presidential Decree No. 100/107 of 5 June 2012, which can potentially strengthen children's participation by sharing their ideas and views on all issues related to their protection and well-being, as mentioned in article 12 of the United Nations Convention on the Rights of the Child.

53. The Ministry of National Solidarity, Human Rights and Gender continued to support child protection at the community level, by establishing Child Protection Committees. Currently, more than 750 Committees are functional and providing care for more than 8,000 orphans and other vulnerable children, with the support of UNICEF and NGOs. In collaboration with the Ministry of Justice, over 500 professionals of the justice system (including judges, lawyers, police forces and social workers) have been trained in child protection and the rights of children in contact with the law as offenders, witnesses or victims.

C. Activities related to the Peacebuilding Commission

54. The Chair of the Burundi Configuration of the Peacebuilding Commission, Ambassador Paul Seger of Switzerland, continued engagement with the Government of Burundi, and national and international stakeholders in New York and in Burundi. In April 2012 the Second Vice President of Burundi presented the PRSP-II to the Peacebuilding Commission Burundi Configuration in New York and advocated for international support. From 18 to 25 April, the Chair visited Burundi to discuss ways to further support the country in consolidating peace, in particular the mobilization of resources for the PRSP-II, and the review of the Peacebuilding Commission engagement with Burundi.

55. That review was subsequently conducted on the basis of the previous Outcome Document, and was finalized in Bujumbura at a Forum Politique on 8 June, where Ambassadors congratulated Burundi on further progress in peace consolidation, but also raised a number of concerns, including human rights abuses, transitional justice, and the importance of space for dialogue with opposition parties. On 18 July, members of the Peacebuilding Commission adopted the conclusions and recommendations of the review.

56. The Chair continued to work with my Special Representative and his Deputy to advise and support the October Partners Conference in Geneva. During a visit of my Special Representative to New York, a follow-up meeting of the Burundi Configuration of the Peacebuilding Commission was held on 16 November, with an address given in parallel by the Second Vice President in Bujumbura. Key partners, including the World Bank, the African Development Bank, the European Union and UNDP, subsequently issued a joint Declaration reiterating their commitment to assisting implementation of the PRSP-II.

57. The Assistant Secretary-General for Peacebuilding visited Burundi in October 2012. Assessing the impact of 18 projects funded through the first tranche of $35 million from the Peacebuilding Fund, the Assistant Secretary-General met with beneficiaries and stakeholders at the national level and in Bubanza province. Significant progress was noted in sustaining the gains achieved over the years, including through the establishment of the Commission Nationale Indépendante des Droits de l'Homme du Burundi and the new anti-corruption institutions. The refurbishment of military barracks had improved conditions for the military, advanced adherence to the rule of law and improved relations between the armed forces and the population. At the provincial level, former combatants, refugees and internally displaced persons were coexisting peacefully and benefiting from livelihood projects in agriculture, fishery and animal husbandry. Several women's associations expressed satisfaction that micro-credit loans had significantly assisted in meeting immediate needs and improving their overall standard of living.

58. Finally, ongoing reintegration programming implemented by BNUB and the United Nations country team, and funded through the Peacebuilding Fund, targets war-affected and marginalized populations in three provinces (Bubanza, Cibitoke and Bujumbura Rural), with special attention to women and children. Gender units established in police stations through a previous Peacebuilding Fund-supported project have also been sustained with government support. Reintegration efforts, begun under the first Peacebuilding Fund tranche and sustained by a second tranche of $9.2 million, seek to sustain reintegration and strengthen social cohesion by promoting local governance, reviving productive activities and promoting local entrepreneurship.

IV. Observations

59. Burundi has continued to make progress in consolidating peace and stability. While concerns remain about human rights, the situation has improved. The Geneva Conference of Development Partners was an opportunity to present a "new Burundi", and its success shows the willingness of international partners to invest in that vision. However, 2012 has witnessed a troubling diminishing of political space and of the spirit of consensus that has animated the peace consolidation process

since the Arusha Accords. Burundi's long-term stability — and more immediately, the successful conduct of the 2015 elections — will hinge on maintaining both. The mistrust that has developed since the 2010 general elections, which were boycotted by the opposition, continues to heighten tensions. Opposition and civil society activists continued to warn about diminishing political space, calling into question the frequent prohibition or interruption of opposition party meetings and new draft laws concerning the status of the opposition, the media and civil society. This has led to radicalization on both sides, with the Government using its prerogatives and dominance in Parliament to enact tighter laws, further shrinking political space, and the opposition taking steps to confront the Government. If not properly addressed, this situation, which runs counter to the spirit of the Arusha Accords, could undermine the country's democratization, even as preparations for the 2015 elections begin.

60. The benchmarks submitted to the Security Council provide a useful framework through which to assess progress and remaining challenges. Concerning the democratic process, while many institutions created by the 2005 Constitution have continued to consolidate, I am concerned by the lingering consequence of the main opposition parties' boycott of the 2010 elections: an uneven political landscape, preventing Burundi from benefiting fully from the checks and balances vital to any democratic system. Burundi must protect its freedom of expression, association and political action, freedoms that are the bedrock of a thriving democracy. Some recently adopted laws and draft laws currently being reviewed in Parliament — such as the status of the opposition, of civil society, and of the media — have been controversial. It is incumbent on both the opposition and Government to play their part in ensuring a continuing consensual approach to peace consolidation. With the 2015 electoral campaign just two years away, I call on all to intensify efforts to resume dialogue and normalize relations and to ensure that the foundations are laid now for a peaceful and participatory campaign period. Sustained United Nations and international political engagement will be required. The United Nations will continue to provide its good offices with a view to creating an enabling and more inclusive environment so that the 2015 elections contribute to the further enhancing of democracy and the rule of law.

61. Notwithstanding the political challenges it faces, Burundi continues to enjoy comparative security and stability. However, the continuing incursions by armed groups and subsequent clashes with government forces highlight the potential fragility of the situation. I strongly condemn any resort to violence for political aims. With regard to security and justice sector reform, with much of the hard work of integration and the rightsizing of the security forces complete, the focus must turn to building civilian oversight. With other international partners, the United Nations will continue to provide the support needed to enhance the professionalism and accountability of the security forces and build public confidence in them.

62. Realizing a transitional justice process that meets the twin objectives of reconciliation and justice, a core task from the Arusha Accords, is still outstanding. The Government is to be commended for its continued commitment to passing the new law on a Truth and Reconciliation Commission. The draft as it currently stands seems to show an inclination by lawmakers to put a greater emphasis on reconciliation, a major requirement for long-lasting peace and stability in Burundi. However, without justice and strong political will to end impunity, reconciliation alone will not help overcome the profound divisions that have pulled apart the

people of Burundi in the past. All stakeholders must strive to ensure that the Truth and Reconciliation Commission is established, conforms to international and national expectations and is seen as independent, legitimate and credible in the eyes of all Burundians. Nowhere will this be more strongly tested than in the selection of Commissioners, and I exhort all concerned to ensure that the selection process lives up to the draft law's prescription that Commissioners exhibit the capacity to overcome divisions of any kind. The United Nations has accompanied Burundi from the beginning of its journey towards transitional justice, and BNUB and OHCHR stand ready to provide support to a Truth and Reconciliation Commission that fully meets these principles and aspirations. In addition to the transitional justice process, I am convinced of the need to undertake a comprehensive and transparent campaign to promote a culture of peace as a basis for a more in-depth reconciliation process.

63. Concerning governance and institution-building, Burundi is to be commended for continued improvements in mechanisms to fight corruption and build accountability. The achievements signalled by Burundi's second year of sustained improvement in respected global indicators of governance and the increasing revenues realized by the Burundi Revenue Authority are evident. In the coming year, Burundi must intensify efforts to ensure that public administration is more professional and transparent. Again, the United Nations will continue to provide vital support.

64. I commend the work that has gone into the elaboration of the Sectoral Strategy of the Ministry of Justice, and the preparation for the Etats-Généraux de la Justice. BNUB and the United Nations system will continue to support Burundi's efforts to further professionalize the justice system and increase its independence and its accountability. Progress in this regard was slow during 2012, and there has been too little follow-up concerning serious cases of human rights violations, which were the cause of grave concern on the part of the Security Council in recent years. I am also concerned that the prosecution of certain highly visible cases and other uses of the judicial system have, at times, given the impression that justice was being instrumentalized. Continued efforts will be necessary to safeguard a free trial in each case and further enhance respect for the independence of the judiciary.

65. I am encouraged by the signs of improvement in the human rights situation in 2012 compared with the preceding two years. The number of extrajudicial executions appears to be declining. There must, however, be intensified efforts to ensure that all human rights violations are seriously investigated and that suspects are arrested and tried. Equally, there must be greater efforts to ensure that greater discipline and professionalism reign in the security forces. I am also concerned at the apparent involvement of youth movements affiliated with political parties in acts of violence and human rights violations, and call on those in positions of authority over those movements to ensure that such actions cease, and that those responsible are brought to justice. The existence of a vibrant civil society and independent media are commendable assets of Burundi's society. They must be encouraged and protected, and this spirit should be reflected in the law. BNUB and OHCHR together remain committed to dialogue with the Government and security forces to ensure that the climate of respect for human rights continues to improve.

66. Deepening regional integration remains key to lifting Burundi out of the post-conflict poverty trap. I am happy to note the priority that Burundi's Government continues to attach to this objective. I take this opportunity again to salute the

crucial contribution that the Burundian armed forces and police are making to peacekeeping efforts in Somalia with the African Union Mission in Somalia and elsewhere. This is a particularly healthy sign of Burundi's return to the path of peace and stability. However, the continuing instability in the eastern Democratic Republic of the Congo poses a serious threat across the subregion. Stability in the eastern Democratic Republic of the Congo is crucial also for Burundi given its post-conflict situation and cross-border linkages. The implementation of the 2006 Pact on Security, Stability and Development in the Great Lakes remains an important goal for the entire region, including for Burundi.

67. Finally, I note that despite the extraordinary progress made by the Burundian people in turning their backs on the violence and conflict of previous decades, Burundi remains one of the poorest countries in Africa, and one in which the "post-conflict poverty trap" is the clearest risk. Not only is the socioeconomic hardship faced by Burundi's people deplorable in itself, it also exposes the country to a heightened risk of recurrence of violence. It is in this respect that the success of the Geneva Conference of Development Partners is to be most welcomed. Sustained international support will be needed for some years to come, and the collective engagement of partners must not falter at this vital moment in Burundi's full return to peace and stability.

68. In 2012, the Peacebuilding Commission, BNUB, UNDP, the World Bank, the European Union, the African Development Bank and many other bilateral and multilateral partners ensured that such engagement was galvanized to support Burundi's new PRSP. I am particularly grateful to the Peacebuilding Commission for its role in preparing the way for the Geneva Partners Conference, and for its broader support to Burundi's peace consolidation, together with the Peacebuilding Fund.

69. BNUB is the latest configuration of a sustained United Nations political or peacekeeping engagement. Burundi has come a long way, yet many challenges still remain. I therefore call upon the Government of Burundi to accelerate efforts to reach the benchmarks so that the transition from BNUB can begin as soon as possible. In the meantime, I recommend that the mandate of BNUB be extended for a year, consistent with the views of the Government as set out in its note verbale to me of 24 December 2012. In the course of the year, I intend to deploy a strategic assessment mission on the future of United Nations engagement in Burundi, whose findings would inform my next report to the Council. With our goal being a shift from BNUB to a regular United Nations country team presence as quickly as conditions allow, I have instructed my Special Representative to continue his efforts to assist the Government of Burundi in achieving the benchmarks that this Council, and, more importantly, the people of Burundi expect.

70. I would like to express my sincere gratitude to my Special Representative, Parfait Onanga-Anyanga, who assumed his position in August 2012 and his predecessor, Karin Landgren for their leadership; to all United Nations personnel for their diligence and collaboration in implementing the mandate shared by BNUB and the United Nations country team to support Burundi's peace consolidation; and to all international partners for their continued engagement and support to Burundi.

Annex

Benchmarks and indicators of progress

I. Democratic process

Benchmark: Continuing progress in the consolidation of democracy and the resolution of political differences through dialogue

Baseline through 2011: A spirit of dialogue and power sharing underpinned the 2000 Arusha Accords and was enshrined in the Constitution of Burundi of 2005 and in the composition of the Government after the 2005 elections. Observers declared that the 2010 elections had been conducted in conformity with international norms, but they were boycotted by a number of opposition parties, whose leaders subsequently went into exile. The boycott continued to affect political life in Burundi in 2011, and tensions deepened between the Government and the ADC-Ikibiri grouping of extra-parliamentary opposition parties. Although both sides had confirmed their readiness to collaborate, political dialogue throughout 2011 remained stalled, and no formal meetings took place between the Government and the extra-parliamentary opposition parties.

Indicators of progress	*2012 assessments*
1.1. Increasingly democratic, accountable, representative and effective State institutions	• The boycott of the 2010 elections by several political parties continued to affect Parliament, which is composed of only three parties (CNDD-FDD, UPRONA and FRODEBU-Nyakuri), largely dominated by the CNDD-FDD • The number of question-and-answer sessions held with members of the Government in Parliament decreased (from 35 in 2011 to 24 in 2012)
1.2. Continuing dialogue between political parties and the Government	• The Permanent Forum for Political Parties remained non-functioning • Six official interactions took place between parties in power and extra-parliamentary opposition • Throughout 2012 various political party meetings were prohibited by authorities. Parties affected were: the two UPRONA party wings Manwangari and Mouvement pour la réhabilitation du parti UPRONA, CNDD, FRODEBU, UPD-Zigamibanga as well as the extra-parliamentary opposition platform ADC-Ikibiri
1.3. Improved legal framework for electoral process management	• No significant progress in 2012

1.4. Increasing institutional capacity to move towards the 2015 elections with appropriate international financial and technical support	• Following the expiry of its mandate, a new National Electoral Commission was established in December, with objections registered from opposition parties concerning its composition
1.5. Increasing national ownership over the electoral process	• The Government has not yet held discussions on the financing requirements of the 2015 elections
1.6. Political consensus among all stakeholders on movement towards the 2015 elections	• There was no visible political consensus among political actors regarding the 2015 elections • BNUB and UNDP prepared a seminar to be held early in 2013, with the goal of facilitating the drafting of a consensual road map for the 2015 elections based on lessons learned from 2010
1.7. Increasing percentage of the population believe in credibility of the elections	• According to the Gallup World Path Survey, popular confidence in electoral processes in Burundi increased from 66 per cent in 2009 to 83 per cent in 2011

II. Security and stability

Benchmark: A strengthening and sustainable security structure enabling Burundi to respond effectively to domestic and international security concerns while respecting global norms and rights

Baseline: A significant number of small arms remained in circulation (100,000 households according to the Small Arms Survey in 2007), despite the collection and destruction of 12,280 grenades, 2,186 rifles and 389 pistols during the first civilian disarmament campaign in 2009 and efforts made through the earlier disarmament, demobilization and reintegration programme

Reform of the security sector was a key foundation of the Arusha peace agreements. Over subsequent years, the completed integration of former combatants into the armed forces and police, the rightsizing of both forces and the respect for ethnic proportionality within them have greatly contributed to overall stability and improvements in security. However, the involvement of members of these forces in human rights abuses in 2010 and 2011 have highlighted the need for continued professionalization and enhanced civilian oversight.

Indicators of progress	*Assessments*
2.1. Progress made in civilian disarmament, and in management and control of small arms and light weapons	• By the end of 2012, 60 per cent of PNB weapons were registered and marked and 100 per cent of FDN weapons were registered (in comparison to 50 per cent and 40 per cent in 2011, respectively)

	• BNUB and UNDP prepared a second national voluntary disarmament campaign, expected to commence in 2013
2.2. Progress made in the rightsizing of the security and defence forces	• The FDN reduced by 228 and the PNB by 188 personnel, bringing total numbers to 27,889 (target 25,000) and 16,276 (target 15,000), respectively
2.3. Increasing civilian oversight over the security and defence forces in compliance with the current constitution, laws and regulations	• BNUB continued to support civilian oversight mechanisms by holding two workshops for the parliamentary oversight committees
	• The permanent secretariat for the National Security Council was created in May 2012 and met four times in 2012
2.4. Increasing professionalization of the security and defence forces	• The FDN Defence Review and the PNB strategic plan, intended to give strategic direction to both institutions, were being elaborated in 2012 (expected completion early in 2013)
	• The first draft of the National Security Strategy was prepared in October and November 2012
	• BNUB provided training to 270 members of the FDN, PNB and the National Intelligence Service in 2012
2.5. Increasing confidence of the population in the service delivery of the security and defence forces	• According to the Gallup World Path Survey, popular confidence in the military increased from 89 per cent in 2009 to 91 per cent in 2011. Confidence in the police force increased from 82 per cent in 2009 to 83 per cent in 2011
	• According to a study with national coverage prepared jointly by the Centre d'Alerte et de Prévention des Conflits and Centre de Recherche, d'Etudes et de Documentation en Sciences Sociales in 2012, 79.3 per cent of respondents stated that they had confidence in the FDN while 50 per cent said they had confidence in the PNB

III. Transitional justice

Benchmark: Continuing progress in transitional justice to advance victims' rights, the fight against impunity and national reconciliation

Baseline: Transitional justice is the major remaining feature of the Arusha Accords for which implementation has lagged. Following broad National Consultations in 2009 and 2010 and extensive work undertaken by a government Technical Committee — all supported closely by the United Nations — a new draft law on the establishment of the Truth and Reconciliation Commission was presented to Parliament in October 2011. The United Nations, in a joint effort by BNUB, OHCHR and the Office of Legal Affairs of the United Nations Secretariat, presented extensive comments on the draft law in December 2011, in respect of both international standards and best practice, and national expectations as expressed in the report of the National Consultations on the Mechanisms of Transitional Justice.

Indicators of progress	*Assessments*
3.1. Establishment of the Truth and Reconciliation Commission in line with the 2009 National Consultations, the work of the Technical Committee of 2011, international standards and applicable legal instruments	• A revised draft law on the Truth and Reconciliation Commission was submitted to Parliament in December 2012 • On 26 December 2012, BNUB submitted comments on the law to the National Assembly • BNUB continued to support transitional justice by working together with the Forum national des relais communautaires en justice de transition (FONAREC) in sensitizing the population on the process
3.2. Establishment of the Special Tribunal in line with the 2009 National Consultations, the work of the Technical Committee of 2011, international standards and applicable legal instruments	• No progress made in 2012
3.3. Existence of a follow-up mechanism for the implementation of recommendations of the Truth and Reconciliation Commission	• No progress made in 2012
3.4. Increasing ability of the political leadership to bring about reconciliation between the victims and perpetrators of past crimes	• No progress made in 2012
3.5. Increasing level of satisfaction with the transitional justice process	• Not applicable in 2012
3.6. Increasing percentage of the population that believes reconciliation has been achieved	• Data not available in 2012

IV. Governance and institution building

Benchmark: Increasing State authority through legitimate, democratic, accountable and effective institutions

Baseline: Following the adoption of the 2005 Constitution, key new institutions envisaged have successively been established, including the Anti-Corruption Brigade (2006) and the Anti-Corruption Court (2006), the National Communications Council (2007), the National Security Council (2008), the Permanent Forum for Dialogue among the Political Parties (2010) and the National Independent Human Rights Commission (2011). In 2011, with assistance from the United Nations and other partners, Burundi developed a number of important strategies reflecting national governance priorities, including, inter alia, the National Strategy on Good Governance and the Fight against Corruption. The establishment of the Anti-Corruption Brigade and the Anti-Corruption Court, and the creation of the Office of the Ombudsman (2011), and of the Burundi Revenue Authority in 2011 were important institutional developments to enhance the efficiency and accountability of Government. While corruption remained a serious concern, the beginnings of sustained improvement were evident.

Indicators of progress	*Assessments*
4.1. Increasing proportion of seats held by women in Parliament, and in elected and appointed bodies at all levels	• At the end of 2012, 32 per cent of National Assembly members, 46 per cent of Senate members, 35 per cent of Ministers, 5.8 per cent of Provincial Governors and 32.5 per cent of Communal Administrators were female (decrease of 1 Minister and 2 Provincial Governors compared to 2011)
4.2. Decreasing corruption in the public and private sectors	• According to the Transparency International 2012 East African bribery index, Burundi moved from being the last-placed country in East Africa to the second best (index decreased from 37 per cent in 2011 to 18.8 per cent in 2012)
	• Transparency International classified Burundi, however, as the ninth most corrupt country in their global index
	• The Anti-Corruption Brigade transmitted 156 complaints of corruption to the Procureur général in 2012 for further action, in comparison to 252 in 2011, signifying a decrease of 48 per cent
	• The Anti-Corruption Court registered 285 cases up to the end of November 2012 (276 cases in 2011). The Court delivered sentences for 218 cases as of the end of November 2012 (213 in 2011)

4.3. Increasingly transparent, accountable and efficient national institutions	• The Ombudsman received 195 complaints by mid-December 2012 (187 in 2011) and dealt with 123 cases (83 in 2011): an increase of 4 per cent of complaints and 48 per cent of cases brought to a conclusion in comparison to 2011
4.4. Progress made in the quality of public administration	• The tax revenue collected by the Burundi Revenue Authority in the first 11 months of 2012 was FBu 486.47 billion (12 per cent increase in comparison to same period in 2011)

V. Rule of law

Benchmark: An increasingly independent, accessible and credible justice system upholding human rights

Baseline: Since the end of Burundi's transition period in 2005, a major priority has been professionalizing and promoting the full independence of the justice sector. The year 2011 was dedicated to the development of the Ministry of Justice sectoral policy for the period of 2011-2015, in which the Government reaffirmed its commitment to strengthening the independence of the judiciary, enhancing good governance in the justice sector, making justice available to all, and improving criminal justice. However, the document did not take account of several needed reforms concerning the status of magistrates and, particularly, the Supreme Council of Magistrates.

Indicators of progress	*Assessments*
5.1. Decreasing ratio of pretrial detainees to the overall prison population	• The number of pretrial detainees decreased by 1,311, i.e., by 22 per cent in 2012, bringing the total number of pretrial detainees to 4,125, and the percentage of pretrial detainees of the overall prison population to 57 per cent, thanks to specific measures taken by the Procureur général in July 2012
5.2. Increasing proportion of law enforcement officials trained in rules of conduct concerning proportional use of force, arrest, interrogation, detention or punishment	• 89 officers were trained as trainers by BNUB on human rights and international humanitarian law in 2012 • Three specialized trainings on military policing, police judiciary and armoury management were provided by BNUB for 22 military police officers, 44 police judicial officers and 19 armoury managers
5.3. Increasingly simple and systematic access to the results of commissions of inquiry for those authorized	• In 2012 there was one commission of inquiry and its report was made public (in 2011, no such reports were made public)

5.4. Increasing number of criminals brought to justice	• The percentage of the prison population entering the judicial process shows an increase (latest data: 38 per cent in 2011 in comparison to 34 per cent in 2010)
5.5. Improving management of prisons, to better comply with human rights standards	• Prison occupancy rate dropped by 76 per cent to 183 per cent in 2012 (down from 258 per cent in 2011), attributable mainly to a presidential pardon granted to 800 prisoners in September 2012 • As at 27 December 2012, a further 953 prisoners were slated for conditional release as they fulfil the necessary criteria • 89 corrections officials were trained in prison management, bringing the total percentage of staff trained to 33.34 per cent
5.6. Progress made in the adoption and implementation of legislation on magistrates, in the professionalization of magistrates, as well as in the organization and effectiveness of the Supreme Council of Magistrates	• Draft code on judicial ethics has been prepared but not yet adopted by the Council of Ministers • While 393 magistrates received training in 2011, the number of magistrates who received training increased by 73 per cent to 681 in 2012 (several magistrates participated in more than one training) • Strategic plan for an initial training programme for magistrates finalized by BNUB and handed over to the Ministry of Justice in November 2012. Study on the strengthening and reform of the Supreme Council of Magistrates prepared by BNUB in 2012 (to be published in 2013)
5.7. Progress made in the independence of the judiciary	• Currently magistrates are not recruited through a competitive examination as foreseen by law (Government is citing budgetary constraints as main reason) • Preparatory work for a national conference on judicial reforms, aimed at strengthening the independence of the judiciary, was undertaken by the Government with BNUB and UNDP
5.8. Increasing percentage of the population expressing confidence in the judicial system	• According to the Gallup World Path Survey, popular confidence in the judicial system increased from 50 per cent in 2009 to 57 per cent in 2011

VI. Human rights

Benchmark: A deepening culture of protection and promotion of human rights in Burundi

Baseline: The period following the 2010 elections saw a marked increase in serious human rights violations. In 2010, 40 cases of extrajudicial, arbitrary or summary executions and/or politically motivated killings and 30 of torture were documented by BNUB/OHCHR. In 2011, BNUB/OHCHR recorded a still higher number of human rights violations, including 61 cases of extrajudicial, arbitrary or summary executions and/or politically motivated killings, with most of the victims known to have been associated with a political party, and 36 cases of torture. Many of the alleged perpetrators were members of the security or defence forces. The June 2011 establishment of the Independent National Commission on Human Rights was an important step, but concerns remained in 2011 that few of these cases had seen adequate follow-up.

Indicators of progress	*Assessments*
6.1. Increasing proportion of human rights violations — including cases of disappearances and extrajudicial killings — investigated by the judiciary, and perpetrators arrested, judged and/or serving sentences	• Of the 30 documented cases of extrajudicial executions in 2012, 15 were investigated by the judiciary (data from 18 December), signifying no change in comparison to 2011 (61 cases of extrajudicial executions and 31 cases investigated)
	• Of the 16 documented cases of torture in 2012, 6 were investigated by the judiciary (data from 18 December), signifying an increase of 32 per cent in comparison to 2011 (36 cases of torture and 2 cases investigated)
6.2. Increasing frequency and timeliness of reports submitted to the relevant bodies	• Five human rights reports were pending submission at the end of 2012 (two more than in 2011)
6.3. Decreasing instances of torture or cruel, inhuman or degrading treatment or punishment perpetrated by an agent of the State or any other person acting under government authority or with its complicity	• BNUB documented 30 cases of extrajudicial executions, signifying a decrease in comparison to 2011 (61 cases documented)
	• BNUB documented 16 cases of torture, signifying a decrease in comparison to 2011 (36 cases documented)
	• BNUB documented 57 cases of ill-treatment, signifying an increase in comparison to 2011 (37 cases documented)
6.4. Increasing effectiveness of the National Independent Human Rights Commission, including through the establishment of a monitoring network on human rights, by civil society organizations, which contributes to the activities of the Commission	• The National Independent Human Rights Commission (CNIDH) investigated 480 cases compared to 107 cases in 2011 (as of 30 November); of these cases 117 were concluded
	• CNIDH established three regional offices in October 2012, enhancing its reach and efficiency

	• No new monitoring networks on human rights were established; BNUB provided capacity-building for the two existing networks that have national representation
6.5. Rolling adoption of priority international and regional human rights instruments and increasing conformity of national human rights instruments with relevant international and regional instruments	• Ratification of the United Nations Convention on Transnational Organized Crime and its three additional protocols by the National Assembly in April 2012 • Adoption of a Bill for the ratification of the African Union Convention related to the protection of and assistance to internally displaced persons (Kampala Convention) in August 2012 (communicated to the Parliament in October)
6.6. Strengthening of structures dealing with the protection of vulnerable groups	• A draft law on the fight against gender-based violence was prepared and is pending review • A draft strategy for legal aid to vulnerable groups was developed by the Government and partners but not yet officially adopted • The Humura Centre in Gitega for the holistic care of survivors of gender-based violence started operating at the beginning of August and offered its services to 450 women • 17 provincial commissioners, 40 chiefs of police stations, and 33 police officers in eight provinces were trained with regard to handling gender-based violence; police also undertook sensitization activities on gender-based violence in 16 schools and four communes • The second international conference of African security organs to end violence against women and girls was organized by the PNB in Bujumbura in November • A decree to establish a National Women's Forum was adopted. UNDP held a training for trainers session for 27 magistrates in November on addressing gender-based violence issues • No cases of refoulement reported in 2012
6.7. Progress made in ensuring freedom of the media and civil society	• While 18 cases of freedom of press violations were documented by BNUB in 2011, no such cases were documented in 2012

VII. Regional integration

Benchmark: Deepening regional integration for Burundi with full participation in regional political, commercial and other negotiations and improved interaction of Burundian authorities with regional cooperation mechanisms

Baseline: The Government has embraced increasing regional integration as an important catalyst for economic growth and stability. Following the country's accession to the EAC in 2009, 2011 saw a particular intensification of its efforts to improve economic and political ties with regional partners, as evidenced by President Nkurunziza's role as chair of the EAC in 2011. Regional integration has been defined as one of the eight pillars of the country's 2025 vision and features prominently in the new PRSP.

Indicators of progress	*Assessments*
7.1. Increasing trade between Burundi and its regional partners	• Burundi increased its trade within the EAC by 15 per cent since joining it in 2007, according to EAC officials. Burundi's share of EAC trade is increasing (2.6 per cent in 2010 to 4.3 per cent in 2011)
7.2. Increasing political and commercial negotiations and interactions with member States of regional economic communities	• Burundi participated in four important EAC meetings in 2012
7.3. Increasing capacity of Government of Burundi to take forward the regional integration process	• A study on the strategic participation of Burundi in the different regional and international structures was drafted by the Government in collaboration with UNDP • The Government in collaboration with UNDP began elaborating a national strategy on regional integration in July 2012
7.4. Increasing perception of benefits from regional integration on the part of the population	• 17 secondary school EAC clubs were established in December 2011, spanning all provinces, and continued to function in 2012

VIII. Social and economic development

Benchmark: Improving living standards of the population, delivery of basic services to the most vulnerable, and conditions for economic recovery

Baseline: Although the Government has made considerable efforts to improve the socioeconomic situation of the country, widespread poverty, land scarcity combined with high population density, food insecurity, and high unemployment, particularly among youth, still exist in Burundi. As it stands, the country is still one of the poorest in the world, with the level of undernourished people rising. The World Bank poverty head-count ratio at the national poverty line was 66.9 per cent in 2006 and although Burundi's Human Development Index has constantly increased since 2000 (0.245 in 2000 to 0.316 in 2011), the country still ranked 185th of 187 countries in 2011.

Indicators of progress	*Assessments*
8.1. Decreasing proportion of population living on less than $1.25 per day	• Poverty rate of 67 per cent as per the World Bank's 2006 data (based on the nationally defined poverty line of $0.51-$0.66/day) continued to be used in 2012, e.g., by the PRSP-II
	• Burundi ranks last on the 2012 Global Hunger Index
8.2. Improving enrolment and completion ratios in primary education	• It is estimated that primary school enrolment continued to increase, although completion rates lag behind (latest data from 2010/11 indicate 96 per cent enrolment but 51.3 per cent completion)
8.3. Decreasing number of internally displaced persons	• The number of internally displaced persons remained stable in 2012 (UNHCR counted 78,948 internally displaced persons at the end of 2011). The Government has begun preparations for an Action Plan for internally displaced persons with United Nations agencies, aiming towards durable solutions
8.4. Increasing proportion of children aged 12-23 months immunized against contagious diseases	• Vaccination rates remained high (latest figures from 2010 Demographic and Health Survey indicate that 83 per cent of children in Burundi are completely vaccinated)
8.5. Increasing proportion of population with access to potable water and electricity	• Access to potable water is estimated to have remained at 72 per cent, a figure almost unchanged since 1990 (70 per cent)
	• Access to electricity remained low (4.8 per cent in 2008, with a large urban-rural divide)
8.6. Improving youth employment rate	• Youth unemployment and underemployment estimated to remain high (concrete data are lacking)
	• Creating employment for youth is an integral part of the PRSP-II and Vision 2025. The Government in cooperation with partners, developed programmes on job creation for youth, to be rolled out in 2013
8.7. Increasing number of youth and women with access to basic social services	• Gender- and age-specific data unavailable. According to 2011 Gallup World Path Survey, the percentage of the population satisfied with the educational system in the city or area where they lived decreased from 79 per cent in 2009 to 71 per cent in 2011

8.8. Improving legislative and regulatory environment favouring business and investment	• Burundi was ranked 159th of 185 countries in the World Bank's 2013 Doing Business Index (climbing 22 places in the past three years)
8.9. Improving socioeconomic situation of refugees, repatriated persons and internally displaced persons	• In 2012, 2,000 persons were engaged in rapid job creation supported by the United Nations system (3x6 approach) bringing the total number of beneficiaries to 14,940
8.10. Increasing percentage of population that feels the standard of living is rising	• According to the Gallup World Path Survey, the percentage of people satisfied with their standard of living increased from 24 per cent in 2009 to 26 per cent in 2011

United Nations S/2013/37

Security Council

Distr.: General
21 January 2013

Original: English

Letter dated 20 January 2013 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 2085 (2012), in which I was requested, in coordination with the African Union, the Economic Community of West African States (ECOWAS) and the authorities of Mali, to further develop and refine options for a voluntary and a United Nations-funded logistics support package to the African-led International Support Mission in Mali (AFISMA). I also have the honour to refer to the request by the Council that the Secretariat provide technical details for logistics support that could be provided by the United Nations.

The situation in Mali is critical. Terrorist organizations threaten the way of life of the people of Mali, and even the existence of the State. The Government of Mali has asked for assistance, and I urge countries and organizations to come to its aid. I applaud France for its courageous decision to deploy troops in order to prevent terrorist fighters from reaching the capital and to assist with the re-establishment of State authority. I further express great appreciation for the efforts of ECOWAS, the African Union and the troop contributors to AFISMA to accelerate the deployment of the Mission.

I should like to recall that in my letter of 13 December 2012 (S/2012/926), I shared some of my initial planning associated with the possible provision of a United Nations logistics support package for AFISMA. Since my letter to the Council, the security situation in Mali has evolved dramatically. Detailed planning for logistics support is challenging within this environment, and updated and robust operational plans for AFISMA will need further development. Indeed, recent developments, including military attacks by terrorist organizations on Government-controlled towns, the request by the Government of Mali for foreign military assistance, the provision of such assistance including military forces by some countries, and the initial deployment of AFISMA troops to Mali, introduce fundamental changes in the operational context.

Key among these is the accelerated timing of the deployment of AFISMA, and the force's need for training, equipment and enablers, including in combat logistics. In order for AFISMA to perform its mandated tasks, as authorized by the Security Council, significant external support in these areas is urgently required.

As outlined in my report of 29 November 2012 (S/2012/894) and my letter of 13 December 2012, there are different options for the provision of logistics support to AFISMA, and for its funding.

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One option would be for all logistics support to AFISMA to be provided through bilateral channels. This option could be funded through one or a combination of bilateral, United Nations trust fund or United Nations assessed contribution channels.

A second option would be for the United Nations to provide a logistics support package to AFISMA in all phases of its operations. Given that a finalized concept of operations for AFISMA is under development, it is currently not possible to produce a detailed plan for such a support package. Nonetheless, at the request of the Council, the Secretariat has conducted additional planning for a logistics support package. The elements of a possible United Nations support package to AFISMA are contained in the annex to the present letter. This option would be financed through United Nations assessed contributions.

A third option would be for bilateral partners to provide logistics support to AFISMA during the combat phase of operations, and for the United Nations to provide support to it during the deployment and in the stabilization phases of its operations. This option would significantly reduce some of the risks to the United Nations and the personnel that are associated with the second option.

Depending on the decision of the Council, a United Nations support package to AFISMA, whether under the second or the third option, could be similar, in level and type, to the support currently being provided to the African Union Mission in Somalia (AMISOM). It would exclude the provision of critical military enablers, but would include reimbursement for organic contingent-owned major equipment through assessed funding.

A United Nations logistics support package deployed in Government-controlled territory would be used to meet the life-support needs of the international forces, including the provision of rations, fuel, engineering works, communications and medical support, as well as the strategic deployment and rotation of forces and the movement of equipment and supplies. Further details are outlined in the annex to the present letter.

If the United Nations were authorized to provide a support package under the second option, then for security reasons, both in the beginning phase of deployment of AFISMA in Government-controlled areas and during the conduct of combat operations, the United Nations would only provide third- and fourth-line logistics support and would do so only in areas controlled by the Government of Mali. Troop-contributing countries and/or private contractors and/or one or more Member States would need to provide the first- and second-line logistics support in the theatre of combat operations. Depending on the decision of the Security Council, the United Nations could reimburse the provider of the first- and second-line logistics support.

United Nations logistics support would be defined and provided through a range of instruments. Provisions to allow the United Nations and its contractors to operate in Mali would be included in the wider host country agreement that is to be concluded with the Government of Mali for the United Nations multidisciplinary presence in Mali. Agreements would also be needed with countries in the region. As in the case of assistance to AMISOM, memorandums of understanding will be required both with the African Union and with ECOWAS and its troop-contributing countries to provide for fully accountable use of the Organization's resources in

conformity with its rules and regulations and to define the roles, responsibilities and obligations of each party.

The concept of a United Nations logistics support package for AFISMA relies on certain principles and planning assumptions that are essential for the United Nations. These include the principles that the United Nations will provide support only in Government-controlled areas and will not be involved in areas of combat; that all United Nations assistance will be provided in a fully transparent and accountable manner in conformity with United Nations rules and regulations; and that all United Nations assistance will be in conformity with the United Nations human rights due diligence policy.

Critical planning assumptions include the following: AFISMA contingents will be equipped, possibly through bilateral assistance, with the combat equipment necessary to conduct their operations; the force will have the enablers necessary to conduct the operation, including in the areas of special forces, air support (combat and utility aircraft and logistic air transport), fire support, intelligence, and equipment and training to counter improvised explosive devices; the force will have the organic capability or be able to rely on the capability of others to provide the full range of logistics needs in areas not controlled by the Government; the force will have the ability to conduct casualty and medical evacuation operations; troop allowances and benefits will be provided by bilateral partners on a predictable basis; AFISMA personnel will be given the necessary training, and such training will be provided by bilateral partners; AFISMA troops have been trained on, understand and adhere to their obligations under international humanitarian, human rights and refugee law.

If the Council were to authorize a United Nations logistics support package, the Secretariat would endeavour to do its best to initiate the provision of support as quickly as possible. Some basic elements of support could be provided within a short time frame. However, it is expected that the deployment of the necessary assets and establishment of the necessary contracts and lines of supply to implement the full range of services under the logistics support package would take a minimum of 120 days.

Some of the requirements of AFISMA not financed through assessed contributions could be financed through the trust fund that I have established pursuant to paragraph 22 of resolution 2085 (2012). Pursuant to that paragraph, I have also taken steps to establish a separate trust fund for support to the security and defence forces of Mali. Support through the United Nations-administered trust funds will be limited to financing non-lethal equipment and support.

Also pursuant to paragraph 22 of resolution 2085 (2012), a donors' conference will be organized by the United Nations, in coordination with the African Union and ECOWAS, for the purpose of soliciting contributions to the United Nations-administered trust funds and for commitments of bilateral support. The Secretariat will liaise in advance with other actors, including the African Union, ECOWAS and authorities of Mali, to identify priority requirements that might be best supported in this manner. On 17 January 2013, the President of the ECOWAS Commission wrote a letter to me requesting urgent and concrete measures pending a Security Council decision on a United Nations logistics support package. In this regard, I am in touch with some Member States on how best such assistance could be provided, including through the provision of bilateral assistance.

The acceleration of the deployment of AFISMA clearly poses great operational challenges. In order for AFISMA to become operational and implement its mandated tasks, the force requires critical logistical support.

At the same time, given the risks and challenges involved, the United Nations must consider with the utmost care the issue of supporting offensive military operations, in the light of the overall global mandate of the Organization. I am particularly concerned about the implications for the safety and security of United Nations personnel throughout the Sahel region and beyond. The security risks for United Nations operations in the Sahel are already high. A dramatic shift in the posture of the Organization would have a further negative impact on its ability to implement essential mandates in the humanitarian, development and human rights areas. I am obliged to bring to the attention of the Security Council the assessment of the Secretariat that, if the United Nations were to provide logistics support to military forces engaged in an offensive operation, it would place United Nations civilian personnel at grave risk and undermine their ability to carry out their current tasks in the region.

The United Nations is committed to doing its part in responding to the pressing needs of the authorities and people of Mali and to accelerate the implementation of resolution 2085 (2012). The United Nations is already present in Bamako to further consult with ECOWAS, the African Union, the Government of Mali and other stakeholders and to support the planning and preparations for the deployment of AFISMA. I have established the United Nations Office in Mali, comprising staff with expertise in political affairs, security processes (military, police and security sector reform), human rights and gender affairs, to ensure coordinated and coherent support to the ongoing political and security processes, as mandated by the Security Council in its resolution 2085 (2012). Additional staff will deploy in a second wave, comprising critical staff expected to support the extension of State authority in such areas as rule of law, security institutions, mine action, promotion of national dialogue, regional cooperation, security sector reform, human rights and the initiation of demobilization, disarmament and reintegration of former combatants. Additionally, the United Nations has provided food assistance to 400,000 people in Timbuktu, Gao and Kidal and plans to assist more than 130,000 internally displaced persons and an estimated 117,000 host families in southern Mali. The United Nations has also sent emergency supplies to Mopti, including kits of essential items for 3,600 displaced persons and emergency health supplies which will benefit at least 30,000 people over the coming month, and is registering and assisting refugees in neighbouring countries.

I look forward to continuing close consultations with the African Union, ECOWAS and other United Nations partners on support to Mali, including at the Summit of the African Union to be held in Addis Ababa from 21 to 28 January 2013.

I should be grateful if you would bring this letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

Annex to the letter dated 20 January 2013 from the Secretary-General addressed to the President of the Security Council

Support to the African-led International Support Mission in Mali

1. In developing the concept for a support package, it is assumed that the African-led International Support Mission in Mali (AFISMA) will be comprised of 3,300 personnel, including 2,990 troops, 30 individual police officers and two formed police units of, in total, 280 personnel. The composition of the AFISMA troops would include a force headquarters, infantry battalions and enabling companies, including in the areas of aviation, logistics, transport, engineering, medical, signal and military police. The continued validity of this assumption on the size of AFISMA, in light of recent developments, will need to be ascertained if the planning outlined in the present document is to be further developed.

2. Logistics support by the United Nations to AFISMA could be provided in areas of Mali that are reliably controlled by the Government in the functional areas of supply (rations, water and fuel); engineering, including construction, power generation, water supply and sanitation; medical support; strategic movement; strategic communications; and, to a limited extent, information technology. The actual implementation of United Nations logistics support to AFISMA would require more detailed development of the concept of operations and the mission support concept.

3. The troop-contributing countries would be reimbursed for their organic contingent-owned major equipment, in accordance with United Nations rates, from assessed contributions.

4. The United Nations could provide logistics support in the following areas, on the basis of the initial planning estimates and the strategic operational framework endorsed by the Economic Community of West African States (ECOWAS) and the African Union:

(a) **Supply**. After an initial period of self-sufficiency, the required rations, water and fuel would be provided to AFISMA up to United Nations standards through commercial contract arrangements. Commodities would be delivered by the United Nations-arranged contractor to preselected locations up to the third logistics line in areas controlled by the Government of Mali. From there, it would be the responsibility of the troop-contributing countries to collect and distribute the supplies, using their integral first and second logistics line resources. Wherever possible and within the United Nations rules and regulations, United Nations Operation in Côte d'Ivoire (UNOCI) contracts would be used for the initial period, until dedicated contracts were put in place for AFISMA. Alternatively, arrangements would be made with Member States and/or other partners for interim logistics support until dedicated contracts were in place to support AFISMA;

(b) **Engineering**. The initial engineering support provided by the United Nations for the deployment of AFISMA would be minimal, considering the overall conditions in the host country, and would leverage a range of enabling capabilities (military, United Nations and Member States), in addition to construction services provided by commercial companies. The overall conditions in theatre are harsh, and significant efforts and resources would be required to bring facilities and other positions for the force up to United Nations standards, in particular in the areas of

accommodation, power supply, refrigeration, sanitation and the quality and quantity of potable water. There would be an urgent need to establish key facilities, including the force headquarters. The limited engineering concept would recognize the tactical and interim nature of the international force, with 80 per cent of the force housed in camps with soft-walled accommodation (tentage) provided by the troop-contributing countries. The remaining 20 per cent could eventually be provided with modularized prefabricated facilities in semi-permanent hubs. Considering overall conditions in the host country, essential defence stores required by the force would be provided by the United Nations. The troops would be expected to deploy with full self-sustainment capacity in all the categories of self-sustainment as defined in the contingent-owned equipment manual. Bilateral assistance would be essential in bridging any gaps in the capacity of troop-contributing countries during this self-sustainment phase. Particular attention would need to be paid to minimizing the negative impact of the deployment on host communities, their resources and the environment;

(c) **Medical support**. Troop-contributing countries would be expected to deploy level I and level II medical facilities up to United Nations standards. Appropriately qualified medical personnel to staff the facilities would need to be provided by the participating contingents. The United Nations would support the establishment of additional medical facilities with equipment, pharmaceuticals, consumables, laboratory supplies and ambulances. The United Nations would establish, through commercial or bilateral arrangements, medical evacuation/casualty evacuation services from Government-controlled territory to level III and IV facilities in Government-controlled territory and to locations outside Mali. Within the broader region, level III medical facilities are located in the United Nations Mission in Liberia (UNMIL), the African Union/United Nations Hybrid Operation in Darfur (UNAMID) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Other contracted level III and IV facilities in the West African region are present in Accra, Abidjan (Côte d'Ivoire) and Dakar. The possibility of contracting level III and IV medical facilities in neighbouring countries would be explored. Pending the completion of the requisite procurement processes, interim medical evacuation/casualty evacuation capability to meet all needs would depend on the aviation resources of troop-contributing countries, with possible support from bilateral partners. The United Nations would not provide medical evacuation/casualty evacuation capability from locations not controlled by the Government of Mali; those services would need to be provided by troop-contributing countries or partners;

(d) **Movement support**. The United Nations would provide the international force with support in the strategic transportation of cargo and the deployment and rotation of contingent personnel from the country of origin to locations under the control of the Government of Mali. It is not anticipated that the United Nations would provide tactical aviation support within the theatre of operations during the combat phase of operations. Capability and capacity enhancements to the existing transport infrastructure might be required to enable airfield, terminal and port operations. To the extent possible, the strategic movement support will rely on existing regional United Nations capacities and supply lines;

(e) **Aviation**. Under the present circumstances, the United Nations would not provide tactical aviation services within Mali. Any aviation support required by AFISMA for combat operations would need to be provided by a troop-contributing country or partner. The nature of such tactical military aviation requirements would

need to be identified by the force. The Council may wish to consider whether the costs of such aviation operations would be covered by assessed contributions. The United Nations could implement some airfield upgrades for the benefit of the force in Government-controlled areas, if required;

(f) **Information and communications technology**. The United Nations would provide the required strategic communications and information technology capability and equipment for static force deployments in Government-controlled territory. This could be achieved through the direct provision of information and communications technology services and equipment, and the establishment of a training capacity for troop-contributing countries. The information and communications technology systems are transportable and scalable by design, providing a wide range of options to support AFISMA. As with the support provided by the United Nations Support Office for the African Union Mission in Somalia (UNSOA) to the African Union Mission in Somalia (AMISOM), the United Nations and the African Union, as well as ECOWAS, would work together to address strategic needs by providing equipment, infrastructure and services based on United Nations standards through commercial contract arrangements. The force would need to install and operate the equipment, while the United Nations could provide remote monitoring and assistance. Maintenance and repair could also be facilitated if equipment were transported to a designated United Nations facility. The United Nations would deploy and support the strategic communications needs through peacekeeping surplus equipment, strategic deployment stocks and existing commercial contracts. New contracts could be established in response to developments as required. Furthermore, network engineering, disaster recovery and application support services would be provided by the Global Service Centre. A satellite network would be established as the backbone for all communications. The establishment of an Information and Communications Technology Division command, control, training and rapid support base in a secure area outside Mali that later on could be moved into Malian territory would be considered. Such a facility could ensure proximity and flexibility to respond to the ever-changing requirements in the area of operations. The United Nations would organize training and exercises for AFISMA like those provided to AMISOM. As the United Nations is not currently in a position to provide military-grade tactical communications support, any such requirement should be addressed through bilateral agreements;

(g) **Geographic Information System (GIS)**. The United Nations would support the geographic information needs of AFISMA in the form of dedicated products and applications, along the lines of the model developed in UNSOA. In addition, when camps need to be established in areas where water is scarce, GIS could support subsurface water assessment operations using satellite imagery, GIS analysis and geophysical surveys;

(h) **Mine action**. In close coordination with the expected European Union training mission, the United Nations Mine Action Service could deliver a predeployment course in the field of explosive awareness for the military personnel of AFISMA, as well as security and other law enforcement personnel. The Service could also support the deployment of AFISMA through the specialized training, equipping and mentoring of its military personnel, with specific emphasis on mine clearance, explosive ordnance disposal and ammunition safety management;

(i) **Environment**. The United Nations would seek to minimize the environmental impact of the deployment of a logistics support package by integrating an environmental management system in its operations. Key aspects of the package would include proper wastewater treatment; solid waste, including hazardous waste, management; and the use of renewable energy where it makes operational and economic sense. As desertification and land degradation are serious challenges currently faced by the Sahel, especially Mali, particular attention would be focused on the careful use by the United Nations of local natural resources, such as water or natural materials used for construction, to limit or avoid further environmental degradation. GIS technology would be used to assess the environmental status of the areas of possible operations prior to deployment and for future monitoring.

Support to troop-contributing countries

5. The support package outlined above would offer significant logistical capability to AFISMA. However, significant bilateral, financial and material support from Member States and other partners to AFISMA or to its troop-contributing countries would be required to cover the other key aspects essential for the success of the operation, including payment of salary and allowances, payment of death and disability benefits, acquisition of contingent-owned equipment and provision of self-sustainment capability, as well as the equipping and predeployment training of the contingents.

6. AFISMA troop-contributing countries would also require a number of capabilities to achieve the objectives outlined in the strategic operational framework. ECOWAS has identified special forces, air support assets (combat and utility aircraft and logistic air transport), additional fire support capabilities, intelligence and counter-improvised explosive device equipment and training as areas that require additional support. These would also need to be addressed through bilateral and multilateral arrangements. Items of non-lethal equipment and training may be financed through the United Nations-administered fund.

7. A trust fund administered by the United Nations could cover additional limited requirements, such as procurement of United Nations-owned equipment, to bridge gaps in contingent capabilities. The use of these funds would need to adhere strictly to United Nations financial and procurement rules.

Support to the defence and security forces of Mali

8. A full range of support will be required for the defence and security forces of Mali, including for training and equipping requirements. This is primarily a national responsibility, but support could be provided through direct bilateral and multilateral arrangements, including by the African Union, ECOWAS, the European Union and other key stakeholders, or a trust fund administered by the United Nations. However, as has been observed in the case of Somalia, there is a need to have compatible capabilities in the national forces fighting alongside the international forces.

Costs

9. The cost implications of the support package detailed in the present annex are broadly the same as those contained in my letter of 13 December 2012.

United Nations S/2013/38

Security Council

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21 January 2013
English
Original: Spanish

Letter dated 16 January 2013 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report of the work of the Security Council during the presidency of Guatemala in October 2012 (see annex).

The report was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Gert **Rosenthal**
Ambassador
Permanent Representative

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Annex to the letter dated 16 January 2013 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the Security Council

[Original: Spanish]

Assessment of the work of the Security Council during the presidency of Guatemala (October 2012)

Introduction

During the presidency of Guatemala in October 2012, the Security Council adopted four resolutions and issued three presidential statements and six statements to the press. The Council also held two open debates: one on the situation in the Middle East, including the Palestinian question, and one on the promotion and strengthening of the rule of law in the maintenance of international peace and security. In addition, the Council held two debates, on the United Nations Stabilization Mission in Haiti and on Somalia, and two briefings, on the situation in Sierra Leone and on the African Union-United Nations Hybrid Operation in Darfur. Owing to the exceptional circumstances arising from Hurricane Sandy in New York, the Council could not carry out all the activities set out in its programme of work for the month of October and had to postpone the adoption of its annual report to the General Assembly for the period from 1 August 2011 to 31 July 2012, a private meeting with the President of the International Court of Justice, consultations on the report on the implementation of Council resolution 1559 (2004) and an open thematic debate on women and peace and security.

In another noteworthy development, on 4 October the Security Council Affairs Division launched the Council's new Internet page (www.un.org/en/sc), which may be consulted in the six official languages.

Africa

Côte d'Ivoire

On 25 October 2012, during consultations of the whole, the Council heard a briefing by the Permanent Representative of Guatemala to the United Nations, Gert Rosenthal, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire. Mr. Rosenthal briefly summarized the main conclusions contained in the midterm report of the Group of Experts, and referred to the Group's findings on the evolving security situation in several neighbouring States, including the progressive deterioration of the political and security situation in Mali, the mercenary/militia crisis at the Ivorian border with Liberia and in the western and southern parts of Côte d'Ivoire and the presence of supporters of former President Laurent Gbagbo in Ghana.

Council members commended the Group on the scope and thoroughness of its midterm report. While several Member States agreed that there had been progress in the situation in Côte d'Ivoire, several delegations also expressed concern at the remaining challenges, such as the large quantity of weapons and ammunition that,

according to available information, remained in circulation, and the Ivorian authorities' lack of capacity in the relevant sectors.

Libya

On 23 October 2012, the Security Council was briefed in consultations of the whole by the Assistant Secretary-General for Political Affairs, Tayé-Brook Zerihoun, on the situation in Libya and, in particular, the indiscriminate shelling and precarious humanitarian situation in and around the town of Bani Walid. Mr. Zerihoun indicated that President Mohamed Magariaf had focused his efforts on a peaceful settlement based on three conditions: (a) full Government authority in the town; (b) the surrender of all suspects; and (c) the release of all detainees. Mr. Zerihoun also said that the Special Representative of the Secretary-General for Libya, Tarek Mitri, and the United Nations Support Mission in Libya were working towards a negotiated settlement to the conflict in Bani Walid. Mr. Zerihoun said that the latest events in the town showed that the Libyan authorities must address crucial issues.

Council members expressed concern over the ongoing fighting in Bani Walid and urged its peaceful resolution. They called on all concerned to uphold international humanitarian law and human rights law. While noting the progress made by Libya, they expressed concern over the significant challenges that the country still faced with regard to the disarmament of militias and national reconciliation.

Mali

On 4 October 2012, the Security Council met in closed consultations to hear a briefing on the situation in Mali by the Under-Secretary-General for Political Affairs, Jeffrey Feltman. Mr. Feltman informed the Council that the situation in Mali remained extremely volatile and that the contrasting approaches taken to date by Mali's various sectors to resolve the situation had further complicated matters. He stressed that a unified position on the part of the international community was urgently needed and reported that a small United Nations mission, led by the Department of Political Affairs and comprising staff from the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, was visiting Bamako from 1 to 5 October.

Council members expressed concern about the increased entrenchment of terrorist organizations in the north of Mali and said that they would like to continue to consider possible Security Council responses to recent calls by the Economic Community of West African States (ECOWAS) and the transitional Government of Mali for the deployment of an African-led force to assist the Malian armed forces in restoring the country's territorial integrity and reducing the threat posed by terrorist groups in the north of Mali. Some delegations expressed support for the meeting of the Support and Follow-up Group on the Situation in Mali to be held in Bamako on 19 October, where key actors such as the African Union, the United Nations and ECOWAS would meet to move forward with a unified strategy for resolving the crisis in Mali. Council members underlined the need for a well-planned and -resourced coordinated response that should address political, humanitarian and security issues. Members of the Council also expressed their support for the

appointment of a special envoy for the Sahel and said that the region had become a priority for the international community.

Later, on 12 October, acting under Chapter VII of the Charter of the United Nations, the Security Council adopted its resolution 2071 (2012), in which it declared its readiness to respond to the 18 September request of the transitional authorities of Mali regarding an international military force to assist the Malian armed forces in recovering the occupied regions in the north of Mali, and requested the Secretary-General to submit, no later than 45 days after the adoption of the resolution, a report with detailed and actionable recommendations to respond to that request.

Democratic Republic of the Congo

On 10 October 2012, the Security Council was briefed in closed consultations by the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, who gave his assessment of the current situation in the eastern part of the Democratic Republic of the Congo, in particular in Rutshuru.

Mr. Mulet informed the Council that the situation was a cause for concern, especially in the light of the precarious humanitarian and security situation. He also told Council members that many areas in the eastern part of the Democratic Republic of the Congo remained under the control of the Mouvement du 23 mars (M23), which threatened to extend that control. Mr. Mulet said that the civilian population remained extremely vulnerable to the constant attacks and human rights violations taking place both in and around the city of Goma, especially in view of the forced recruitment of children and sexual abuses. Mr. Mulet referred to the summit held in Kampala on 8 and 9 October 2012 and the initiatives presented there, such as the Joint Verification Mechanism and the Joint Intelligence Fusion Centre. He also referred to the need for international pressure to be brought to bear to prevent M23 from receiving external support that could fuel the conflict. Lastly, Mr. Mulet said that the appointment of a special envoy could be useful in facilitating dialogue among the actors in the region and internally within the Democratic Republic of the Congo, while coordinating with the Special Representative of the Secretary-General for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), and he noted that the appointment of a new special envoy could be considered.

Council members said that regional and subregional efforts should be coordinated and promoted to address the inherent risks of an escalation of the conflict. Some Council members supported the appointment of a special envoy for the Democratic Republic of the Congo and requested more information on the envoy's mandate.

On 19 October, the Council adopted a presidential statement (S/PRST/2012/22), in which it expressed its concern regarding the deteriorating security and humanitarian crisis in the Democratic Republic of the Congo, strongly condemned M23 and all its attacks and demanded that M23 and other armed groups, including the Democratic Forces for the Liberation of Rwanda (FDLR), immediately cease all forms of violence and other destabilizing activities. In addition, the Council reiterated its strong condemnation of all external support for M23 and called upon all countries in the region to condemn M23 as well as other armed groups. Finally, the Council expressed its full support for MONUSCO and

commended the active measures it had taken to implement its mandate in the eastern part of the Democratic Republic of the Congo.

Sierra Leone

On 9 October 2012, the Security Council held a briefing on the Special Court for Sierra Leone and was briefed by the President of the Special Court for Sierra Leone, Justice Shireen Avis Fisher, and by the Prosecutor of the Special Court for Sierra Leone, Brenda Hollis, who emphasized the Court's achievements and stressed the support received from the people of Sierra Leone. They also highlighted the role of the Court in the national reconciliation process and in the establishment of justice and the rule of law in the country and the region. They said that despite the many challenges, especially where indictment, witnesses and staffing were concerned, the Special Court had played a key role in prosecuting war criminals. Finally, they underlined the importance of the residual mechanism for the Special Court for Sierra Leone in finalizing this important work and urged Member States to make financial contributions to the mechanism.

The Deputy Minister for Foreign Affairs and International Cooperation of Sierra Leone, Ebun Jusu, acknowledged in her statement the Special Court's important work and expressed the commitment of her Government to support further its mandate.

Council members commended the Special Court for Sierra Leone for its outstanding work in fighting impunity and for bringing to justice those responsible for war crimes. Council members agreed that the mandate established pursuant to its resolution 1315 (2000) had been successfully implemented, and they looked forward to the timely completion of the mandate and the Court's transition to the residual mechanism. Council members noted its financial needs and urged other States to make financial contributions. Council members also acknowledged the Court's important contribution to international criminal justice.

At the end of the meeting, the Council adopted a presidential statement (S/PRST/2012/21) in which, inter alia, it reiterated its support for the Special Court.

Sudan, South Sudan and Darfur

On 3 October 2012, the Security Council issued a press statement in which it condemned in the strongest terms the ambush on a patrol of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in El Geneina, in which four Nigerian peacekeepers had been killed and eight injured. Council members also expressed their condolences to the families of the victims, as well as to the Government of Nigeria, and called on the Government of the Sudan to swiftly investigate the incident and bring the perpetrators to justice. Finally, the members of the Council reiterated their full support for UNAMID and called on all parties to cooperate with the mission.

On 4 October 2012, the Council was briefed in closed consultations by the Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous, who introduced the report of the Secretary-General on the situation in Abyei (S/2012/722) and reported on the agreements between the Sudan and South Sudan signed on 27 September 2012.

Mr. Ladsous informed the Council about the agreements reached, mainly on economic, trade, oil transit, security, demarcation and citizenship issues. Regarding Abyei, he said that the parties had not been able to reach any agreement on the resolution of the final status of the area and stressed that a solution was needed to maintain peaceful order among the communities living in the area. He also said that the United Nations Interim Security Force for Abyei had taken steps to avoid conflicts and maintain order.

During the consultations that followed, Council members welcomed the agreements reached between the Sudan and South Sudan and stressed the need for their swift implementation. They regretted the deterioration in the humanitarian situation in Southern Kordofan and Blue Nile and urged the Government of the Sudan and the Sudan People's Liberation Movement (SPLM)-North to implement the memorandum of understanding in order to permit immediate humanitarian access, based on the tripartite proposal of the African Union, the League of Arab States and the United Nations. Council members also urged the Government of the Sudan and SPLM-North to engage in direct talks on the resolution of the conflict in South Kordofan and Blue Nile. Council members called on the Sudan and South Sudan to continue talks on all outstanding issues, especially regarding the final status of Abyei and the disputed areas.

On 16 October 2012, Mr. Ladsous again briefed the Council in closed consultations on the most recent agreements reached between the Sudan and South Sudan and their significance. He reported that the parliament of South Sudan had just ratified nine agreements and that those agreements had been presented to the Sudanese parliament on 9 October and were awaiting ratification. Mr. Ladsous reiterated to Council members his concern about the regrettable humanitarian and refugee situation in the Blue Nile and Southern Kordofan States and at the recent shelling of Kadugli by SPLM-North. Furthermore, he said that the Sudan and SPLM-North should find a solution through direct negotiations. Finally, he spoke of the urgent need to reach an agreement on the status of Abyei.

During the consultations of the whole that followed, Council members reiterated their support for the effective implementation of the agreements reached among the parties and expressed the need for related public support and awareness-raising. In that respect, members said that the Security Council and the United Nations as a whole should support the agreements and ensure that the parties implemented them fully. Council members reiterated their concern at the humanitarian situation in Blue Nile and Southern Kordofan States. Council members called for direct negotiations between the Sudan and SPLM-North to resolve the conflict in South Kordofan and Blue Nile. They also reiterated their call for a resolution of the final status of Abyei. Lastly, Council members said that both the Sudan and South Sudan would benefit from the recent steps taken to resume trade between the two countries and oil production, and to guarantee border security.

On 17 October 2012, the Council issued a statement to the press in which it condemned in the strongest terms the attack by unidentified armed men on a UNAMID patrol en route to Hashaba in Northern Darfur, in which one South African peacekeeper had been killed and three others injured, two of them seriously. The Council also expressed its condolences to the family of the victim, to the Government and people of South Africa and to UNAMID and urged the Government of the Sudan to swiftly investigate the incident and bring the perpetrators to justice.

Finally, the Council reiterated its full support for UNAMID and called on all parties to cooperate with the mission.

On 24 October 2012, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, on UNAMID, in which he provided an update on the situation in the Darfur region and noted that, 15 months after the signing of the Doha Document for Peace in Darfur, there was broad support among civil society, internally displaced persons and local authorities for the initiatives set out therein. Mr. Mulet reported that the signatory parties had taken some steps to implement them, especially regarding the verification of the Liberation and Justice Movement forces, and the dissemination of the Doha Document among the civilian population. However, he acknowledged that there had not been substantial progress of obvious benefit to the population of Darfur and that other groups had yet to be included in the process begun with the signing of the Doha Document. Mr. Mulet also reported that in Darfur consultations were taking place among regional actors in preparation for a conference of donors to be held in Doha in December 2012 with the aim of promoting the content of the Doha Document, because many of the initiatives set out in it could not be implemented owing to a lack of funding.

Council members, in consultations of the whole, expressed their support for the Doha Document and for the road map for peace, and urged the Government of the Sudan to cooperate with UNAMID.

Somalia

On 16 October 2012, the Council held a debate on the situation in Somalia and was briefed by videoconference by the Special Representative of the Secretary-General for Somalia, Augustine Mahiga. Mr. Mahiga stressed that recent historic political and security achievements were very important and represented a new era in the country. He welcomed the recent appointment of the Prime Minister by the President and reaffirmed that the Government was the most inclusive, transparent and efficient that Somalia had had in two decades.

The Special Representative called on the Council and the international community to continue to support Somalia and address the Government's new priorities. He referred to the fourth report of the Chair of the African Union Commission on the implementation of the mandate of the African Union Mission in Somalia (AMISOM), and reiterated his support for the extension of the mandate until October 2013. He also asked the Council to support the African Union and to authorize an extension of the logistical support measures with the necessary adjustments to strengthen the civilian component and add a maritime one.

During the debate, Council members welcomed the unprecedented achievements in the political arena and with regard to the security strategy. They expressed their support for AMISOM and welcomed its successful capture of the port city of Kismayo, but acknowledged that Al-Shabaab remained a threat to the peace and stability of Somalia and that it had increased its capacity for asymmetrical military tactics. Some Council members referred to the efforts made to combat piracy in the coastal waters of Somalia. Council members expressed serious concern at the fragile humanitarian situation and reiterated the need for full access to the whole country. Council members also underlined the need for a strategic assessment

of United Nations operations in Somalia, to be followed by a broad review of AMISOM.

On 31 October 2012, the Council unanimously adopted resolution 2072 (2012), which allowed for a seven-day technical extension of the AMISOM mandate owing to the exceptional circumstances in the aftermath of Hurricane Sandy.

The Americas

Haiti

On 3 October 2012, the Council held a debate on the question of Haiti, presided over by the Minister for Foreign Affairs of Guatemala, Harold Caballeros. The Special Representative of the Secretary-General for Haiti and Head of the United Nations Stabilization Mission in Haiti (MINUSTAH), Mariano Fernández, briefed the Council and introduced the report of the Secretary-General on MINUSTAH (S/2012/678), in which the most significant developments since the issuance of the previous report and information on activities carried out by the Mission in accordance with its mandate were presented.

The Special Representative said that Haiti should focus its efforts on strengthening its rule-of-law institutions, including the national police. He also explained that the strengthening of the Haitian National Police was a main priority for MINUSTAH, as it would pave the way for the Mission's eventual withdrawal from Haiti. He described the security situation as being stable but with the fragility inherent in a society in the process of being stabilized, with precarious socioeconomic indicators and extreme poverty affecting a large portion of the country.

The Special Representative also outlined a reconfiguration and consolidation plan, which was being developed in consultation with the Government of Haiti, to gradually reduce the Mission's military presence and give a stronger security role to the national police forces. He highlighted the importance of establishing a permanent electoral council, adding that MINUSTAH and the international community were facilitating a dialogue to establish a council that would eventually oversee the conduct of the delayed elections of members of the Senate, mayors and municipal officials. Mr. Fernández also noted that the cholera epidemic continued to be a serious challenge and that the United Nations was working on a plan to intensify prevention efforts.

In the discussion, Council members recognized the swearing-in of a new Government, the publication of constitutional amendments and the establishment of the Superior Council of the Judiciary as signs of significant progress, describing the events as important milestones in efforts by Haiti to strengthen its democratic and rule-of-law institutions. Council members took note of the improvement in the humanitarian situation in Haiti and called for renewed efforts to provide housing to the thousands of internally displaced persons still in camps. They also emphasized that continued international engagement was crucial to ensuring that all pressing humanitarian needs were met. In addition, they strongly supported the recent launch of the aid coordination mechanism aimed at increasing the accountability and transparency of foreign aid.

Members of the Council also expressed concern regarding the obstacles to forming the permanent electoral council and stressed that preparations for the elections must be completed without further delay. They supported the recommendation of the Secretary-General that the Mission's mandate be extended for one year, as well as the efforts to develop a plan for a reconfiguration and conditions-based consolidation of MINUSTAH.

Subsequently, on 12 October, the Council adopted its resolution 2070 (2012), in which it decided to extend the mandate of MINUSTAH for a period of 12 months. It also decided that the Mission's overall force levels would consist of up to 6,270 officials and troops, through a balanced withdrawal of infantry and engineering personnel, and of a police component of up to 2,601 personnel, and affirmed that future adjustments to the MINUSTAH force configuration should be based on the security situation on the ground.

Asia

Afghanistan

On 9 October 2012, the Security Council unanimously adopted its resolution 2069 (2012), in which it decided to extend the authorization of the International Security Assistance Force for a period of 12 months.

Middle East

Lebanon

On 19 October 2012, the Council issued a statement to the press in which it expressed its strongest condemnation for the terrorist attack carried out that day in Beirut, which had caused the death of the Interior Security Forces Information Branch Chief, Brigadier General Wissam al-Hassan, and numerous other deaths and injuries. Council members also expressed their condolences to the families of the victims and to the Government of Lebanon. They appealed to the Lebanese people to preserve national unity and called upon all parties in Lebanon to continue engaging in the national dialogue under the authority of President Michel Sleiman to this effect. They also recalled the need to put an end to impunity in Lebanon.

The situation in the Middle East, including the Palestinian question

On 15 October 2012, the Council held an open debate on the situation in the Middle East, in which it heard a briefing by the Under-Secretary-General for Political Affairs, Jeffrey Feltman, who emphasized that the window of opportunity for taking constructive action to preserve the two-State solution might be in the process of becoming more limited and that there was no alternative to a sustainable and just solution to negotiated peace. He also focused on the economic crisis facing the Palestinian Authority; the security situation in the occupied Palestinian territory, Israel and the region; the obstacles that must be overcome in order to relaunch the stagnant peace process between Palestinians and Israel; and the situation in the Syrian Arab Republic, which remained critical to peace and stability in the region, in particular the grave concerns regarding the escalation of violence. Mr. Feltman also expressed alarm at the high level of tension between the Syrian Arab Republic

and Turkey, and the risk that the conflict would intensify if the parties did not show restraint. He noted that it was possible that the situation in Lebanon would deteriorate as a result of the country's continued exposure to the Syrian conflict. With regard to the Israeli-Palestinian conflict, he condemned settlement activities and called for an end to attacks on Israeli territory. The Permanent Representative of Israel and the Permanent Observer for Palestine then delivered statements.

In the discussion that followed, many members of the Security Council and other States condemned Israeli settlement activities and described them as illegal under international law. In addition, they stated that such activities undermined progress towards a two-State solution. Some members called on both parties to cease unilateral actions that undermined peace efforts. Council members agreed on the need for the parties to return to direct negotiations and condemned the rocket attacks on Israel originating in Gaza.

Several members of the Security Council and other States noted that it was essential that Israelis and Palestinians re-engage with the peace process, including by presenting proposals on territory and security and working to establish mutual confidence-building measures. Numerous members expressed support for the Palestinian bid for enhancement of its status in the United Nations, while some members cautioned against such unilateral actions.

With regard to the situation in the Syrian Arab Republic, several Member States referred to the escalation of violence and increase in tension between the Syrian Arab Republic and Turkey. Two Security Council members condemned the violence and stated that there was a need to ensure a political transition led by Syrians and to keep the crisis in the Syrian Arab Republic from spreading to Lebanon. Council members expressed regret at the continuing deterioration in the humanitarian situation and the shortfall in funds raised for the United Nations humanitarian appeal. They also referred to the constant flow of arms to the Syrian Arab Republic, which further fuelled the conflict.

On 4 October 2012, the Security Council issued a statement to the press condemning in the strongest terms the shelling by the Syrian armed forces of the Turkish town of Akcakale, which had resulted in the deaths of five civilians, all of whom were women or children, as well as a number of injuries. The Council underlined that the incident highlighted the grave impact of the crisis in the Syrian Arab Republic on the security of its neighbours and on regional peace and stability. In addition, it expressed its sincerest condolences to the families of the victims and to the Government and people of Turkey.

On 5 October 2012, the Council issued a press statement in which it condemned in the strongest terms the terrorist attacks carried out on 3 October in the Syrian city of Aleppo, which had left dozens dead and more than 100 injured. Security Council members reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security, and that all acts of terrorism were criminal and unjustifiable, regardless of their motivation. The Council also reiterated its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

On 24 October 2012, the Security Council held consultations of the whole in which it heard a briefing by the Joint Special Representative of the United Nations

and the League of Arab States for Syria, Lakhdar Brahimi, by videoconference. The Joint Special Representative described his recent visit to the region, specifically to Damascus, and spoke of the talks that he had held with various members of the Government of the Syrian Arab Republic with regard to the crisis in the country. He informed the Council that the Government had accepted the proposal of a truce during the Eid al-Adha period. While some opposition groups had agreed, others had yet to come on board.

After the meeting, the Security Council issued a statement to the press in which it welcomed the initiative of the Joint Special Representative for a ceasefire during Eid al-Adha. It also called upon all international and regional actors to support the ceasefire and to use their influence on the parties concerned to facilitate its implementation. The members of the Council also underlined the need to launch an inclusive Syrian-led political transition and called upon all the parties in the Syrian Arab Republic, in particular the Syrian authorities, to cooperate fully with the United Nations and relevant humanitarian organizations to facilitate the provision of humanitarian assistance.

Thematic issues

Promotion and strengthening of the rule of law in the maintenance of international peace and security

On 17 October 2012, the Council held an open thematic debate on "Peace and justice, with a special focus on the role of the International Criminal Court" which was presided over by the Minister for Foreign Affairs of Guatemala, Harold Caballeros. The Secretary-General delivered an introductory statement. The Council heard briefings by the President of the International Criminal Court, Judge Sang-Hyun Song, and the Director of the Jurisdiction, Complementarity and Cooperation Division, Phakiso Mochochoko, who spoke on behalf of the Prosecutor of the Court.

The debate offered the first opportunity to address the relationship between the Security Council and the International Criminal Court in a comprehensive manner, with participants exploring how the Court could serve as a tool of preventive diplomacy and assist the Council in carrying out its mandate. The discussion also examined how the relationship between the two bodies had developed over the past decade and considered the way forward in strengthening their existing linkages. As the Member State holding the presidency of the Security Council, Guatemala had prepared a concept note (S/2012/731, annex).

The President of the International Criminal Court emphasized that the Security Council and the Court were two highly distinct bodies, with very different roles, but that they were connected by the shared objectives of peace, justice and respect for international law, enshrined in both the Charter of the United Nations and the Rome Statute. Judge Song affirmed that in order for the Court to effectively deal with situations referred by the Council under Chapter VII of the Charter, it needed to be able to count on the full and continuing cooperation of all United Nations Member States, including those that were not parties to the Rome Statute. With regard to future referrals, he noted that it would be very helpful if the Council could underline that obligation of full cooperation.

The representative of the Prosecutor of the Court emphasized the need for cooperation and noted that the Security Council and the Office of the Prosecutor should together seek more constructive strategies for attaining their mutual goals. He recalled the recent efforts made by regional organizations, and called for such efforts to be replicated in other situations. On the other hand, the failure of States to implement the Court's arrest warrants was also reflected in the failure to implement resolutions relating to a cessation of violence, the disarmaments of parties to a conflict and ensuring an end to impunity.

In the open debate, some Member States welcomed the achievements of the Court and referred to it as a preventive tool. Others mentioned the challenges in the relationship between the two bodies, pointing at practical and legal implications arising from the referral by the Council of certain situations to the Court. Suggestions were made with a view to improving that relationship and strengthening common efforts towards achieving peace and justice. A number of Member States also referred to selectivity, the need to comply with the purposes and principles of the Charter of the United Nations, the lack of follow-up to referrals made by the Security Council and country-specific situations. The importance of preserving the independence of the International Criminal Court was emphasized. At the same time, the view was expressed that it was important that the Court strive in its work for a balance between justice and reconciliation, and carry out its functions in a manner that supported collective efforts aimed at restoring peace and stability, as well as the rehabilitation of conflict-affected societies. Some members of the Council also addressed the "Kampala compromise" on the crime of aggression.

Women and peace and security

On 31 October 2012, the Council adopted a presidential statement (S/PRST/2012/23) in which it underlined the primary role of national Governments affected by armed conflicts to enhance the participation of women in the prevention and resolution of conflicts and in peacebuilding within the framework of the women and peace and security agenda. The Council stressed that United Nations entities should continue to support and supplement, as appropriate, the efforts of national Governments to implement resolution 1325 (2000). In this regard, the Council welcomed the role of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in contributing to the implementation of resolutions on women and peace and security, and noted with satisfaction the increased coordination and coherence in policy and programming for women and girls within the United Nations system, welcoming the efforts made to avoid duplication and overlap since the creation of UN-Women.

In the presidential statement, the Council also took note of the important role that civil society, including women's organizations, could play in the prevention and resolution of armed conflict, peacebuilding and post-conflict situations, and encouraged the international community, regional organizations and concerned Member States to promote their active engagement and effective participation in a variety of roles, as appropriate, with a view to the implementation of resolution 1325 (2000).

United Nations S/2013/39

Security Council

Distr.: General
21 January 2013

Original: English

Letter dated 18 January 2013 from the President of the Security Council addressed to the Secretary-General

I have the honour to refer to Security Council resolution 1646 (2005), in which the Council, in keeping with its resolution 1645 (2005), decided that the permanent members listed in Article 23, paragraph 1, of the Charter of the United Nations should be members of the Organizational Committee of the Peacebuilding Commission and that, in addition, the Council should annually select two of its elected members to participate in the Organizational Committee.

I therefore have the honour to inform you that, following informal consultations, the members of the Security Council agreed on the selection of Guatemala and Morocco as the two elected members of the Council to participate in the Organizational Committee for a term of one year, until the end of 2013.

(*Signed*) Masood **Khan**
President of the Security Council

13-21147 (E) 210113

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United Nations S/2013/40

Security Council

Distr.: General
21 January 2013

Original: English

Identical letters dated 21 January 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to write to you in reference to document S/2013/10 dated 2 January 2013 concerning matters of which the Security Council is seized and the stage reached in their consideration. In this connection, on instructions from my Government, I have the honour to inform you that the Syrian Arab Republic requested the retention of the following items listed in paragraph 3 of the above-mentioned document:

53. The Palestine question (9 December 1947; 25 November 1966).

62. Arrangements for the proposed Peace Conference on the Middle East (15 December 1973; 15 December 1973).

63. The Middle East problem, including the Palestinian question (12 January 1976; 11 October 1985).

64. The situation in the occupied Arab territories (4 May 1976; 13 July 1998).

65. The question of the exercise by the Palestinian people of its inalienable rights (9 June 1976; 30 April 1980).

68. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17787).

69. Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17993).

78. Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939).

I take this opportunity to reaffirm the position of the Syrian Arab Republic set out in its note No. SC/GEN/46 dated 9 February 1998 (S/1998/111) addressed to the President of the Security Council.

13-21202 (E) 210113

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I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2013/41

Security Council

Distr.: General
22 January 2013

Original: English

United States of America: draft resolution

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7) and 16 April 2012 (S/PRST/2012/13),

Recognizing the freedom of all States to explore and use outer space in accordance with international law, including restrictions imposed by relevant Security Council resolutions,

1. *Condemns* the DPRK's launch of 12 December 2012, which used ballistic missile technology and was in violation of resolutions 1718 (2006) and 1874 (2009);

2. *Demands* that the DPRK not proceed with any further launches using ballistic missile technology, and comply with resolutions 1718 (2006) and 1874 (2009) by suspending all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on missile launches;

3. *Demands* that the DPRK immediately comply fully with its obligations under resolutions 1718 (2006) and 1874 (2009), including that it: abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner; immediately cease all related activities; and not conduct any further launches that use ballistic missile technology, nuclear test or any further provocation;

4. *Reaffirms* its current sanctions measures contained in resolutions 1718 (2006) and 1874 (2009);

5. *Recalls* the measures imposed by paragraph 8 of resolution 1718 (2006), as modified by resolution 1874 (2009), and *determines* that:

(a) The measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply to the individuals and entities listed in Annex I and II, and the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall apply to the individuals listed in Annex I; and,

(b) The measures imposed in paragraph 8 (a), 8 (b) and 8 (c) of resolution 1718 (2006) shall apply to the items in INFCIRC/254/Rev.11/Part 1 and INFCIRC/254/Rev.8/Part 2 and S/2012/947;

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6. *Recalls* paragraph 18 of resolution 1874 (2009), and *calls upon* Member States to exercise enhanced vigilance in this regard, including monitoring the activities of their nationals, persons in their territories, financial institutions, and other entities organized under their laws (including branches abroad) with or on behalf of financial institutions in the DPRK, or of those that act on behalf or at the direction of DPRK financial institutions, including their branches, representatives, agents and subsidiaries abroad;

7. *Directs* the Committee established pursuant to resolution 1718 (2006) to issue an Implementation Assistance Notice regarding situations where a vessel has refused to allow an inspection after such an inspection has been authorized by the vessel's Flag State or if any DPRK-flagged vessel has refused to be inspected pursuant to paragraph 12 of resolution 1874 (2009);

8. *Recalls* paragraph 14 of resolution 1874 (2009), *recalls* further that States may seize and dispose of items consistent with the provisions of resolutions 1718 (2006), 1874 (2009) and this resolution, and further *clarifies* that methods for States to dispose include, but are not limited to, destruction, rendering inoperable, storage or transferring to another State other than the originating or destination States for disposal;

9. *Clarifies* that the measures imposed in resolutions 1718 (2006) and 1874 (2009) prohibit the transfer of any items if a State relevant to a transaction has information that provides reasonable grounds to believe that a designated individual or entity is the originator, intended recipient or facilitator of the item's transfer;

10. *Calls upon* Member States which have not yet done so to report on the measures they have taken to implement the provisions of resolutions 1718 (2006) and 1874 (2009), *encourages* other Member States to submit, if any, additional information on implementing the provisions of resolutions 1718 (2006) and 1874 (2009);

11. *Encourages* international agencies to take necessary steps to ensure that all their activities with respect to the DPRK are consistent with the provisions of resolutions 1718 (2006) and 1874 (2009), and *further encourages* relevant agencies to engage with the Committee regarding their activities with respect to the DPRK that may relate to provisions of these resolutions;

12. *Deplores* the violations of the measures imposed in resolution 1718 (2006) and 1874 (2009), including the use of bulk cash to evade sanctions, *underscores* its concern over the supply, sale or transfer to or from the DPRK or through States' territories of any item that could contribute to activities prohibited by resolutions 1718 (2006) or 1874 (2009) and the importance of appropriate action by States in this regard, *calls on* States to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals working on behalf or at the direction of a designated individual or entity, *directs* the Committee to review reported violations and take action as appropriate, including through designating entities and individuals that have assisted the evasion of sanctions or in violating the provisions of resolutions 1718 (2006) and 1874 (2009);

13. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated pursuant to resolutions 1718 (2006) and 1874 (2009), or any person claiming through or for the

benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by resolutions 1718 (2006) and 1874 (2009);

14. *Reaffirms* its desire for a peaceful, diplomatic and political solution to the situation, welcomes efforts by Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue, and *underlines* the need to refrain from any action that might aggravate tensions;

15. *Reaffirms* its support to the Six Party Talks, *calls* for their resumption, *urges* all the participants to intensify their efforts on the full and expeditious implementation of the 19 September 2005 Joint Statement issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, with a view to achieving the verifiable denuclearization of the Korean Peninsula in a peaceful manner and to maintaining peace and stability on the Korean Peninsula and in northeast Asia;

16. *Calls upon* all Member States to implement fully their obligations pursuant to resolutions 1718 (2006) and 1874 (2009);

17. *Re-emphasizes* that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations;

18. *Underlines* that measures imposed by resolutions 1718 (2006) and 1874 (2009) are not intended to have adverse humanitarian consequences for the civilian population of the DPRK;

19. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take significant action in the event of a further DPRK launch or nuclear test;

20. *Decides* to remain actively seized of the matter.

Annex I

Travel Ban/Asset Freeze

1. PAEK CHANG-HO

   a. *Description*: senior official and head of the satellite control center of Korean Committee for Space Technology.

   b. *AKA*: Pak Chang-Ho; Paek Ch'ang-Ho

   c. *Identifiers*: Passport: 381420754; Passport Date of Issue: 7 December 2011; Passport Date of Expiration: 7 December 2016; D.O.B. 18 June 1964; P.O.B. Kaesong, DPRK

2. CHANG MYONG-CHIN

   a. *Description*: General Manager of the Sohae Satellite Launching Station and head of launch center at which the 13 April and 12 December 2012 launches took place.

   b. *AKA*: Jang Myong-Jin

   c. *Identifiers*: D.O.B. 1966; Alt. D.O.B. 1965

3. RA KY'ONG-SU

   a. *Description*: Ra Ky'ong-Su is a Tanchon Commercial Bank (TCB) official. In this capacity he has facilitated transactions for TCB. Tanchon was designated by the Committee in April 2009 as the main DPRK financial entity responsible for sales of conventional arms, ballistic missiles, and goods related to the assembly and manufacture of such weapons.

4. KIM KWANG-IL

   a. *Description*: Kim Kwang-il is a Tanchon Commercial Bank (TCB) official. In this capacity, he has facilitated transactions for TCB and the Korea Mining Development Trading Corporation (KOMID). Tanchon was designated by the Committee in April 2009 as the main DPRK financial entity responsible for sales of conventional arms, ballistic missiles, and goods related to the assembly and manufacture of such weapons. KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

Annex II

Asset Freeze

1. KOREAN COMMITTEE FOR SPACE TECHNOLOGY

   a. *Description*: The Korean Committee for Space Technology (KCST) orchestrated the DPRK's launches on 13 April 2012 and 12 December 2012 via the satellite control center and Sohae launch area.

   b. *AKA*: DPRK Committee for Space Technology; Department of Space Technology of the DPRK; Committee for Space Technology; KCST

   c. *Location*: Pyongyang, DPRK

2. BANK OF EAST LAND

   a. *Description*: DPRK financial institution Bank of East Land facilitates weapons-related transactions for, and other support to, arms manufacturer and exporter Green Pine Associated Corporation (Green Pine). Bank of East Land has actively worked with Green Pine to transfer funds in a manner that circumvents sanctions. In 2007 and 2008, Bank of East Land facilitated transactions involving Green Pine and Iranian financial institutions, including Bank Melli and Bank Sepah. The Security Council designated Bank Sepah in resolution 1747 (2007) for providing support to Iran's ballistic missile program. Green Pine was designated by the Committee in April 2012.

   b. *AKA*: Dongbang BANK; TONGBANG U'NHAENG; TONGBANG BANK

   c. *Location*: P.O. Box 32, BEL Building, Jonseung-Dung, Moranbong District, Pyongyang, DPRK

3. KOREA KUMRYONG TRADING CORPORATION

   a. *Description*: Used as an alias by the Korea Mining Development Trading Corporation (KOMID) to carry out procurement activities. KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

4. TOSONG TECHNOLOGY TRADING CORPORATION

   a. *Description*: The Korea Mining Development Corporation (KOMID) is the parent company of Tosong Technology Trading Corporation. KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

   b. *Location*: Pyongyang, DPRK

5. KOREA RYONHA MACHINERY JOINT VENTURE CORPORATION

   a. *Description*: Korea Ryonbong General Corporation is the parent company of Korea Ryonha Machinery Joint Venture Corporation. Korea Ryonbong General Corporation was designated by the Committee in April 2009 and is a defence conglomerate specializing in acquisition for

DPRK defence industries and support to that country's military-related sales.

b. *AKA*: CHOSUN YUNHA MACHINERY JOINT OPERATION COMPANY; KOREA RYENHA MACHINERY J/V CORPORATION; RYONHA MACHINERY JOINT VENTURE CORPORATION

c. *Location*: Central District, Pyongyang, DPRK; Mangungdae-gu, Pyongyang, DPRK; Mangyongdae District, Pyongyang, DPRK

6. LEADER (HONG KONG) INTERNATIONAL

a. *Description*: Facilitates shipments on behalf of the Korea Mining Development Trading Corporation (KOMID). KOMID was designated by the Committee in April 2009 and is the DPRK's primary arms dealer and main exporter of goods and equipment related to ballistic missiles and conventional weapons.

b. *AKA*: Leader International Trading Limited

c. *Location*: Room 1610 Nan Fung Tower, 173 Des Voeux Road, Hong Kong

United Nations A/67/709–S/2013/42

General Assembly
Security Council

Distr.: General
23 January 2013
English
Original: Arabic

General Assembly
Sixty-seventh session
Agenda item 105
Measures to eliminate international terrorism

Security Council
Sixty-eighth year

Identical letters dated 22 January 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to draw your attention to the following information:

Armed terrorist groups, in particular the Al-Qaida-affiliated Nusrah Front, continue to commit criminal acts of terrorism. On 21 January 2013, in another cowardly terrorist operation against defenceless civilians, a suicide bomber carried out an attack in the heart of Salamiyah, Hama governorate. This criminal act killed 32 civilians and injured dozens of other innocent civilians, including women and children, and destroyed the national hospital, taking it out of service.

This terrorist attack, which was not the first of its kind to have occurred in this city, was an act of vengeance against the people of Salamiyah, who have rejected terrorism and expressed their opposition to it, and who are determined to preserve their city's security, their property and their children's lives.

Other parts of Syria have also seen an increase in terrorist suicide attacks, one of which targeted a school in Nawa, Dar'a governorate. The terrorists attacked the school and stole diesel fuel used to heat the classrooms. In the current academic year, terrorists have constantly threatened to attack schools throughout Syria unless they suspended classes, because, in the terrorists' view, schools should serve as bases for their operations and schoolchildren should join their ranks. The armed groups recruit children to their ranks and use them to commit the most horrific crimes, and then proudly and publicly boast of this on social networking sites.

Syria reiterates that these terrorists, who boast that they have no nationality or identity, are coming to Syria via certain neighbouring States, in particular Turkey, which has opened its doors unconditionally to every terrorist in the world and allowed them to enter Syria. The Turkish Government has supplied the terrorists with the weapons they are using to attack the Syrian people and commit acts of terrorism in Syria.

13-21563 (E) 240113 250113

Please recycle

Acts of terrorism and those who support terrorism fall under the provisions of the relevant Security Council resolutions, including resolution 1373 (2001). The non-application of this resolution to States and Governments that are engaging in terrorism is tantamount to a decision by those States to spread terrorism and stymie the Council's counter-terrorism efforts.

Syria once again calls on the Security Council to condemn the acts of terrorism that are occurring in Syria and other parts of the world, and calls on those States that are preventing the Council from carrying out its tasks and fulfilling its responsibilities to change their positions, which do not serve security and peace, either in Syria or in the rest of the world.

I should be grateful if this letter could be circulated as an official document of the General Assembly, under agenda item 105 on measures to eliminate international terrorism, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2013/43

Security Council

Distr.: General
22 January 2013

Original: English

Letter dated 27 December 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the statement by the President of the Security Council of 19 October 2012 (S/PRST/2012/22) and resolution 2076 (2012) of 20 November 2012, in which the Council requested that I report on options, and their implications, for the possible redeployment of contingents of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and additional force multipliers to improve the Mission's ability to implement its mandate. In this regard, my Special Representative for the Democratic Republic of the Congo, Roger Meece, and the Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous, held consultations with the major troop- and police-contributing countries of MONUSCO, on 21 and 23 November 2012, respectively, to discuss the strengthening of the Mission's capabilities and posture. At the request of Council members, Mr. Ladsous also outlined the additional requirements of MONUSCO during the consultations of the Security Council on 7 December 2012.

The situation on the ground remains tense, as the presence of the Mouvement du 23 mars (M23) in various areas in Rutshuru territory, North Kivu, continues to pose a serious threat to the protection of civilians. MONUSCO is undertaking a number of contingency plans and has enhanced its activities in and around Goma. In this regard, the Mission's night patrolling throughout North Kivu has tripled, while 14 temporary deployments of MONUSCO troops have been established in South Kivu. A company of the Ghanaian battalion based in Kinshasa and a company of the Egyptian battalion stationed at the Kavumu airfield in South Kivu have been placed on alert for quick reaction should the situation so require.

In addition to the steps taken within the Mission's existing resources, additional capacities are required in the immediate term to achieve the following objectives and tasks: (a) improve the ability of MONUSCO to protect civilians; (b) monitor and report on flows of arms and related materiel across the borders of eastern Democratic Republic of the Congo; (c) provide increased logistical and technical support to the International Conference on the Great Lakes Region Expanded Joint Verification Mechanism in monitoring the border areas in eastern Democratic Republic of the Congo; and (d) ensure that MONUSCO has the necessary surveillance capabilities in terms of both equipment and personnel.

In this regard, and in order to enhance the operational mobility of MONUSCO, it will be critical to complete the deployment of the authorized number of attack and utility helicopters, increasing them from the currently deployed 23 to the authorized 29.

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It has also been determined that acquiring one additional utility helicopter and two attack helicopters is required, thus bringing the total number of needed military helicopters to 32. The military helicopters require night vision capacities in order to operate at night, a critical shortcoming that the Mission faces.

Additional information capabilities are also needed for advanced information collation, analysis and dissemination to enhance situational awareness and to permit timely decision-making. This includes external imagery/electronic equipment and associated analysis capabilities, notably surveillance capability such as that provided by unmanned aerial systems. A greater riverine capacity, including an additional riverine unit and shore-based radar equipment, is required in order to provide enhanced coverage on lakes and rivers in the Kivus.

With regard to potential financial implications, the Secretariat might need to request additional funding through the established channels.

These immediate requirements will enable MONUSCO to better cope with the current situation in North Kivu. However, the requirements do not include the enforcement capacities that may be necessary to address the threat posed by armed groups in eastern Democratic Republic of the Congo. In order to harmonize the regional initiatives and proposals of the United Nations in that regard, I have requested the United Nations Military Adviser, Lieutenant General Babacar Gaye, to travel to the region early in January 2013 to meet the President of the United Republic of Tanzania, Jakaya Mrisho Kikwete, and the President of Uganda, Yoweri Kaguta Museveni, in their capacities as the Chairs of the Southern African Development Community (SADC) and the International Conference on the Great Lakes Region, respectively. Lieutenant General Gaye is then expected to convene a meeting in Addis Ababa with the military representatives of the African Union, the Conference and SADC to work out the modalities and options, including incorporating the troops earmarked for the regional Neutral International Force under the mandate and authorized strength of MONUSCO.

I intend to revert to the Security Council with detailed options in that regard and the overall reconfiguration of the MONUSCO force, once the Secretariat has completed its consultations with the regional partners and the troop-contributing countries of MONUSCO.

(*Signed*) **BAN** Ki-moon

United Nations S/2013/44

Security Council

Distr.: General
22 January 2013

Original: English

Letter dated 22 January 2013 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 27 December 2012 (S/2013/43), concerning your intention regarding the United Nations Stabilization Mission in the Democratic Republic of the Congo, has been brought to the attention of the members of the Security Council. They take note of the information contained in your letter and the intention expressed therein.

The members of the Security Council also note that the trial use in this operation in the Democratic Republic of the Congo of "external imagery/electronic equipment and associated analysis capabilities, notably surveillance capability such as that provided by unmanned aerial systems", is in line with the Secretariat's intention to use assets to enhance situational awareness, if available, on a case-by-case basis and without prejudice to the ongoing consideration by relevant United Nations bodies of legal, financial and technical implications of the use of unmanned aerial systems.

(*Signed*) Masood **Khan**
President of the Security Council

13-21373 (E) 230113

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United Nations S/2013/45

Security Council

Distr.: General
24 January 2013

Original: English

Argentina, Australia, France, Luxembourg, Morocco, Republic of Korea, Rwanda, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and statements concerning the Central African Republic, especially resolution 2031 and its press statements of 19 December 2012, 27 December 2012, 4 January 2013 and 11 January 2013,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of the Central African Republic, and *recalling* the importance of the principles good-neighbourliness and regional cooperation,

Noting the signature by the CPJP to the 2008 Libreville Comprehensive Peace Agreement on 25 August 2012,

Condemning military attacks by armed groups and attempts to destabilize the peace building process in the Central African Republic,

Expressing concern at the lack of State authority outside the capital, which has led to a serious security vacuum in many parts of the Central African Republic and has allowed the emergence and development of national and foreign armed groups, including the Lord's Resistance Army (LRA) to operate in the CAR,

Commending the swift efforts made by Economic Community of the Central African States (ECCAS), by the African Union and the countries in the region to solve the political and security crisis, and *welcoming* the negotiations held in Libreville 8-11 January 2013 under the auspices of ECCAS,

Welcoming the signature in Libreville of the declaration of principle, the cease-fire agreement and the political agreement on the resolution of the crisis on 11 January 2013,

Acknowledging the role played by the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) under the leadership of United Nations Secretary-General Special Representative Margaret Aderinsola Vogt, and by the United Nations Country Team, and welcoming their dedicated efforts, in particular regarding assistance as requested by ECCAS during the negotiations in Libreville,

Acknowledging the emergence of a consensus on the revised electoral code, and looking forward to its formalisation and full implementation,

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Looking forward to the start of disarmament, demobilization and reintegration activities in the north-east of the country,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010), on women, peace and security and its resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012) on children and armed conflict, recalling the conclusions of the Security Council Working Group on Children and Armed Conflict, including inter alia the adoption of action plans to put an end to the recruitment and use of children by armed groups, including by self-defence militias, calling on the parties in Central African Republic to engage with the Special Representative on Children and Armed Conflict, and also recalling resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006), 1894 (2009) on the protection of civilians in armed conflicts,

Emphasizing that inclusive political dialogue, respect of the rule of law, democratic governance, participation of women in peacebuilding, respect for human rights, justice, accountability and economic development, are necessary for a lasting peace in the Central African Republic,

Encouraging stakeholders, including the Peacebuilding Commission, to assist in addressing peacebuilding challenges in the country and *looking forward* to the rapid appointment of a new Chair for the Central African Republic Country specific configuration of the Peacebuilding Commission,

Acknowledging the useful contribution of the Peacebuilding Fund to peacebuilding in the Central African Republic,

Welcoming the first visit of the Special Representative of the Secretary-General for Sexual Violence in Conflict in Central African Republic to support the national efforts to address this issue,

Having considered the report (S/2012/956) of the Secretary-General on the situation in the Central African Republic and on the activities of BINUCA,

1. *Decides* to extend the mandate of BINUCA until 31 January 2014;

2. *Requests* the Secretary-General to provide a report, no later than 31 March 2013 on the situation on the ground and an assessment regarding how BINUCA can further implement its priorities in light of recent events; *expresses* its intention to consider this assessment in the following weeks;

3. *Further requests* the Secretary-General to provide an update report of the situation on the ground by 30 June 2013 and every six months thereafter;

4. *Calls on* the Government, "Seleka" Coalition, armed groups and democratic opposition to abide in good faith by their commitments in the Declaration of principle signed in Libreville on 11 January 2013;

5. *Calls for* the expeditious and full implementation of the ceasefire signed between the Government and "Seleka" Coalition, and of the political agreement on the resolution of the crisis signed between the presidential majority, the democratic opposition, the armed groups, the "Seleka" Coalition, the President of the follow-up Committee and ECCAS; and in this regard, *welcomes* the appointment of a representative of the opposition as the Prime Minister of the government of National Unity;

6. *Requests* that BINUCA continue to support the peacebuilding processes in the Central African Republic, as provided in its current mandate, including the DDR and SSR processes, support the efforts of ECCAS in this regard; and use its good offices to work with all parties to facilitate the full implementation of agreements signed in Libreville on 11 January 2013; calls upon international community to provide further support to peacebuilding process in Central African Republic;

7. *Underlines* the important role of the bodies in charge of following up the implementation of these agreements;

8. *Expresses strong concern* at the security situation in the Central African Republic, which remains extremely precarious, *welcomes* in this regard the continued efforts of MICOPAX in support of durable peace and security in the Central African Republic, and *calls on* countries in the Central African subregion, and regional and subregional organizations to consider, upon request of the Central African Republic, appropriate measures to improve the security situation in the Central African Republic and the subregion;

9. *Calls on* all parties, in particular "Seleka", to allow safe, and unhindered humanitarian access to those in need as quickly as possible and to ensure the protection of civilians against any violence;

10. *Underscores* the primary responsibility of the Government of the Central African Republic to maintain law and order, promote security and protect the civilian population, including foreign nationals, with full respect for the rule of law, human rights, and applicable international humanitarian law, *stresses* the importance of the work of bilateral partners to enhance the capacity of the Central African Republic Armed Forces and *stresses* that such assistance should be in support of the SSR process;

11. *Urges* the Government of the Central African Republic to ensure that freedom of expression and assembly, including for the opposition parties, as well as the rule of law are fully respected; *calls upon* all parties to refrain from the incitement of hatred and violence; and *urges* the opposition parties, other groups, and the Government to engage in a constructive dialogue to establish an environment allowing equal chances in the run-up to the next electoral cycle;

12. *Underlines* that the long delay in implementing credible DDR and SSR processes is partly responsible for the current crisis, *calls upon* the Government of the Central African Republic to adopt and implement a credible and viable SSR strategy, and *demands* that all armed groups cooperate with the Government in the disarmament, demobilization and reintegration process;

13. *Strongly condemns* the continued violations of international humanitarian and human rights law, including the recruitment and use of children, killing and maiming of civilians, including of children, rape and sexual slavery and other forms of sexual and gender-based violence and abductions, and targeting of ethnic minorities perpetrated by armed groups, and specifically the LRA that threaten the population as well as peace and stability of the Central African Republic and the subregion, and *requests* BINUCA to report on these human rights abuses and other violations perpetrated by armed groups particularly against children and women;

14. *Demands* that all armed groups, including the Seleka Coalition (UFDR, CPJP, CPSK, UFR), prevent the recruitment and use of children, *calls on* relevant armed groups in particular CPJP and APRD to implement the provisions of the action plans signed with the United Nations SRSG on Children and Armed Conflict in November 2011 immediately, and furthermore *demands* that all parties protect and treat as victims those children who have been released or otherwise separated from armed forces and armed groups; and *emphasizes* the need to pay particular attention to the protection, release and reintegration of all children associated with armed groups;

15. *Calls on* all parties to identify and release forcefully recruited persons, especially children, from their ranks without delay, and issue clear orders regarding sexual violence, in line with its resolution 1960 (2010), calls on parties to the conflict to facilitate immediate access for victims of sexual violence to available services, and encourage donors to support the increase of services to address the needs of victims, and *welcomes* the commitments made to prevent and address sexual violence; including the Joint Communiqués on 12 December 2012 between the United Nations and the Government of the CAR and other parties to the conflict;

16. *Urges* the Government of the Central African Republic to investigate reports of human rights violations in the country, including in Bangui, to ensure that those responsible for such violations are brought to justice, and to take the necessary steps to prevent further violations;

17. *Welcomes* BINUCA's efforts, in collaboration with the Central African Republic Government and other United Nations actors in the region, to encourage the defection of LRA fighters and abductees and to support the repatriation and reintegration of those who leave the LRA's ranks and *stresses* the vital importance of a comprehensive approach for a lasting solution to the LRA threat;

18. *Decides* to remain actively seized of the matter.

United Nations S/2013/46

Security Council

Distr.: General
23 January 2013
English
Original: Spanish

Letter dated 21 January 2013 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

I have the honour to refer to the summary statement on matters of which the Security Council is seized and on the stage reached in their consideration, as set out in document S/2013/10, dated 2 January 2013.

In accordance with the established procedure, I should like to inform you that the Government of the Republic of Cuba requests that the following four items brought to the Council's attention by the Republic of Cuba remain on the list of matters of which the Security Council is seized:

Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378)

Letter dated 31 December 1960 from the Minister for External Affairs of Cuba addressed to the President of the Security Council (S/4605)

Complaint by Cuba (S/10993)

Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Rodolfo **Reyes Rodríguez**
Ambassador
Permanent Representative

13-21545 (E) 230113 230113

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United Nations S/2013/47

Security Council

Distr.: General
23 January 2013

Original: English

Letter dated 22 January 2013 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

I have the honour to refer to the summary statement of matters of which the Security Council is seized, and of the stage reached in their consideration (S/2013/10).

I should like to notify you that the Government of the State of Kuwait wishes to see the following item retained in the list of matters of which the Security Council is seized:

The situation between Iraq and Kuwait

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Mansour **Alotaibi**
Ambassador
Permanent Representative

13-21551 (E) 230113

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